



Arizona Administrative REGISTER

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DIRECTOR
Administrative Rules Division
 Scott Cancelosi

PUBLISHER
Secretary of State
KATIE HOBBS

RULES MANAGING EDITOR
Arizona Administrative Register
 Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

Arizona Administrative REGISTER

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PUBLISHER
SECRETARY OF STATE
Katie Hobbs

ADMINISTRATIVE RULES STAFF

DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

CONTACT US
Administrative Rules Division
Office of the Secretary of State
1700 W. Washington Street, Fl. 2
Phoenix, AZ 85007
(602) 364-3223

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

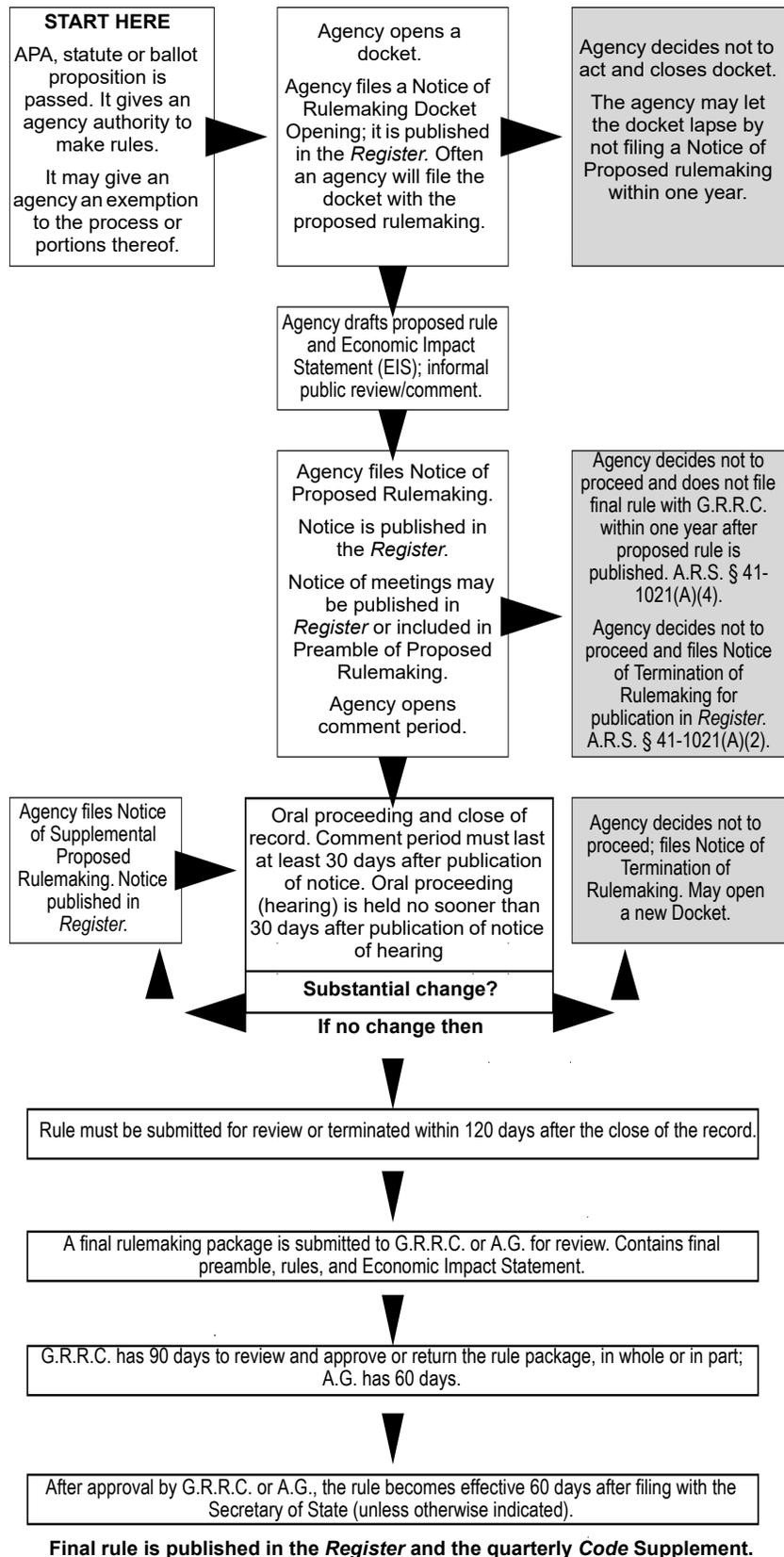
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

**NOTICE OF PROPOSED RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 12. OFFICE OF THE SECRETARY OF STATE**

[R19-243]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R2-12-1301 | New Section |
| R2-12-1302 | New Section |
| R2-12-1303 | New Section |
| R2-12-1304 | New Section |
| R2-12-1305 | New Section |
| R2-12-1306 | New Section |
| R2-12-1307 | New Section |
| R2-12-1308 | New Section |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-372(A)
 Implementing statute: A.R.S. §§ 41-371 through 41-380
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 1737, July 5, 2019
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Patricia A. Viverto, Director
 Business Services Division
 Address: Office of the Secretary of State
 1700 W. Washington St., 7th Floor
 Phoenix, AZ 85007
 Telephone: (602) 542-6187
 Fax: (602) 542-4366
 E-mail: pviverto@azsos.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 SB1030 was signed into law by the Governor on April 10, 2019. The bill directs the Secretary of State to adopt rules to facilitate Remote Online Notarization (RON). RON occurs when a signer personally appears before the notary at the time of the notarization using audio-visual technology instead of being physically present in the same room with the notary. An individual who wishes to perform RON must be commissioned as a traditional notary public and meet the same requirements and qualifications needed to be appointed as a traditional notary public under A.R.S. §§ 41-311 through 41-380. The term of the commission to perform RON is four years and expires on the same date as the traditional notary public’s commission. In order to perform RON, the notary must be physically located within the boundaries of Arizona at the time of the notarization. The notary must verify the remotely located signer by either personal knowledge of the signer, the signer’s remote presentation of a credential that qualifies as satisfactory evidence of identity as defined in A.R.S. §41-311, by credential analysis and identity proofing of the signer, or by the use of a credible witness with personal knowledge of the signer. It is the responsibility of the notary to obtain the technologies and devices that the notary intends to use to perform RON and to ensure that they meet the requirements as set forth by the Secretary of State in this



article.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Not applicable

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Not applicable

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The agency does not intend to hold a public hearing on these rules unless a public hearing is requested within 30 days of publication of this notice. The agency will accept written comments within 30 days of the publication of these rules, Monday through Friday, 8:00 a.m., to 5:00 p.m. Please submit written comments to the following person:

Name: Patricia A. Viverto, Director
Business Services Division
Address: Office of the Secretary of State
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-6187
Fax: (602) 542-4366
E-mail: pviverto@azsos.gov

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

ARTICLE 13. REMOTE ONLINE NOTARIZATION

- Section
- R2-12-1301. Definitions
- R2-12-1302. Authority to Perform Remote Online Notarization
- R2-12-1303. Use of Electronic Notarization
- R2-12-1304. Registration
- R2-12-1305. Standards for Identity Verification
- R2-12-1306. Standards for Communication Technology
- R2-12-1307. Certificate of Notarial Act for Remote Online Notarization
- R2-12-1308. Record Retention and Depositories

**ARTICLE 13. REMOTE ONLINE NOTARIZATION****R2-12-1301. Definitions**

The following definitions shall apply to this Article unless context otherwise requires:

1. “Commission” means the same as defined in A.R.S. § 41-311(2).
2. “Communication technology” means the same as defined in A.R.S. § 41-371(1).
3. “Credential analysis” means the same as defined in A.R.S. § 41-371(2).
4. “Dynamic knowledge-based authentication assessment” means an identity assessment of an individual that is based on a set of questions formulated from public or private data sources for which the individual has not provided a prior answer;
5. “Electronic” means the same as defined in A.R.S. § 41-371(3).
6. “Electronic notarization” or “electronic notarial acts” means a notarial act performed with respect to an electronic record in accordance with Article 12.
7. “Electronic record” means the same as defined in A.R.S. § 41-371(4).
8. “Electronic seal” means the same as defined in A.R.S. § 41-371(5).
9. “Identification credential” means an identification card or document that constitutes “satisfactory evidence of identity” as defined in A.R.S. § 41-311(11).
10. “Identity proofing” means the same as defined in A.R.S. § 41-371(8).
11. “Notarial act” means the same as defined in A.R.S. § 41-371(9).
12. “Person” means the same as defined in A.R.S. § 41-371(11).
13. “Personal knowledge” means the same as defined in A.R.S. § 41-371(12).
14. “Remotely located individual” means the same as defined in A.R.S. § 41-371(13).
15. “Remote online notarization” or “remote online notarial act” means the same as defined in A.R.S. § 41-371(14).
16. “Remote presentation” means the same as defined in A.R.S. § 41-371(15).

R2-12-1302. Authority to Perform Remote Online Notarization

A. A notary public of this state may perform remote online notarizations during the term of the notary public’s commission if:

1. The notary public has received written authorization from the Secretary of State to perform remote online notarizations under this Article; and
2. The Secretary of State has not terminated or revoked such authorization.

B. A notary public who is authorized to perform remote online notarizations under subsection (A) may also perform electronic notarizations under Article 12.

R2-12-1303. Use of Electronic Notarization

In performing a remote online notarization, a notary public must comply with the requirements for electronic notarization as provided in Article 12.

R2-12-1304. Registration

A. To receive authorization from the Secretary of State to perform remote online notarizations a notary public must submit an application in a format prescribed by the Secretary of State that provides the following information about the applicant:

1. The applicant’s full legal name, and the name under which the applicant is commissioned as a notary public (if different);
2. The applicant’s email address;
3. A description of the technologies or devices that the applicant intends to use to perform remote online notarizations;
4. The name, address, and website URL of any vendors or other persons that will directly supply to the applicant the technologies that the applicant intends to use;
5. A certification that the technologies described in the application comply with the requirements of this Article; and
6. A disclosure of any professional license or commission revocations or other professional disciplinary actions taken under the laws of any state against the applicant.

B. The application must be submitted to the Secretary of State as provided by information posted on the Secretary of State’s website at <https://azsos.gov/>.

C. If, during the term of a notary public’s commission, the notary public intends to use the technologies of another vendor or person than those identified under subsection (A)(3) and (4), then an additional application or amendment identifying such other vendors or other persons must be submitted to the Secretary of State as provided in this Section.

D. Each application and renewal submitted under this Section must be accompanied by a nonrefundable fee of \$25.

E. If the technology identified in the application under subsection (A) conforms to the standards adopted under this Article and the applicant satisfies the requirements of this Section, the Secretary of State shall approve the use of the technology and issue to the notary public written authorization to perform electronic notarizations.

F. The Secretary of State may reject the application, or terminate or revoke a prior authorization given under this Section, for the following reasons:

1. The applicant’s failure to comply with A.R.S. §§ 41-311 through 41-380 or this Article;
2. Any information required under subsection (A) is missing, inaccurate or incomplete; or
3. The technology identified in the application does not conform to the standards adopted under this Article.

G. The Secretary of State shall notify the notary public of approval or rejection of the application within 45 days after receipt. If the application is rejected, the Secretary of State shall state the reasons for the rejection.

H. The term of the commission to perform remote online notarization shall be the same as the term of the notary’s existing notary commission.

I. The renewal of the commission of a notary public who has previously received authorization to perform remote online notarizations does not constitute renewal of such authorization. Applicant shall submit another application as provided under subsection (A) and must receive authorization from the Secretary of State in order to continue to perform remote online notarizations.



J. Nothing herein shall be construed to prohibit a notary public from receiving, installing, or using hardware or software updates to the technologies that the notary public identified under subsection (A) if the hardware or software update does not result in technologies that are materially different from the technologies that the notary public identified previously.

R2-12-1305. Standards for Identity Verification

A. If a notary public does not have satisfactory evidence of the identity of a remotely located individual under subsection (D), the notary public must reasonably verify the individual’s identity through a multi-factor authentication procedure as provided in this Section and in subsections (B) and (C). The procedure must analyze the individual’s identification credential that is the subject of remote presentation against trusted third-person data sources, bind the individual’s identity to the individual following successful dynamic knowledge-based authentication assessment, and permit the notary public visually to compare the identification credential and the individual. Credential analysis and identity proofing must be performed by a reputable third party who has provided evidence to the notary public of the ability to satisfy the requirements of this Article.

B. Credential analysis must use public or private data sources to confirm the validity of the identification credential that is the subject of remote presentation by a remotely located individual and shall, at a minimum:

1. Use automated software processes to aid the notary public in verifying the identity of each remotely located individual;
2. Require the identification credential to pass an authenticity test, consistent with sound commercial practices, that uses appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features and to confirm that the identification credential is not fraudulent or inappropriately modified;
3. Use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and
4. Enable the notary public visually to compare for consistency the information and photograph on the identification credential and the remotely located individual as viewed by the notary public in real time through communication technology.

C. Identity proofing must be performed by means of a dynamic knowledge-based authentication assessment. The assessment is successful if it meets the following requirements:

1. The remotely located individual must answer a quiz consisting of a minimum of five questions related to the individual’s personal history or identity formulated from public or private data sources;
2. Each question must have a minimum of five possible answer choices;
3. At least 80% of the questions must be answered correctly;
4. All questions must be answered within two minutes;
5. If the remotely located individual fails the first attempt, the individual may retake the quiz one time within 24 hours;
6. During a retake of the quiz, a minimum of 40% of the prior questions must be replaced;
7. If the remotely located individual fails the second attempt, the individual is not allowed to retry with the same online notary public within 24 hours of the second failed attempt; and
8. The notary public must not be able to see or record the questions or answers.

D. A notary public has satisfactory evidence of the identity of a remotely located individual if:

1. The notary public has personal knowledge of the identity of the individual; or
2. The individual is identified by oath or affirmation of a credible witness in accordance with the following requirements:
 - a. To be a credible witness, the witness must have personal knowledge of the remotely located individual.
 - b. The notary public must have personal knowledge of the credible witness or verify the identity of the credible witness by multi-factor authentication in accordance with subsections (A), (B) and (C).
 - c. A credible witness may be outside the physical presence of the notary public or remotely located individual if the notary public, credible witness, and remotely located individual can communicate by using communication technology.

R2-12-1306. Standards for Communication Technology

A. Communication technology must provide for synchronous audio-video feeds of sufficient video resolution and audio clarity to enable the notary public and remotely located individual to see and speak with each other. The process must provide a means for the notary public reasonably to confirm that an electronic record before the notary public is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature.

B. Communication technology must provide reasonable security measures to prevent unauthorized access to:

1. The live transmission of the audio-visual feeds;
2. The methods used to perform identify verification; and
3. The electronic record that is the subject of the remote online notarization.

C. If a remotely located individual must exit the workflow, the individual must restart the identify verification process from the beginning.

R2-12-1307. Certificate of Notarial Act for Remote Online Notarization

A. A form of notarial certificate for a remote online notarization satisfies the requirement of A.R.S. § 41-376(F) if it is in the form provided by applicable law and contains a statement substantially as follows: “This remote online notarization involved the use of communication technology.”

B. A short form of acknowledgment prescribed in A.R.S. § 33-506 or other form of notarial certificate required by law satisfies the requirement of A.R.S. § 41-376(F) if it is in substantially one of the following forms for the purposes indicated:

1. *For an acknowledgment in an individual capacity:*

State of Arizona
County of _____



The foregoing instrument was acknowledged before me by means of communication technology on (date) by (name(s) of individual(s)).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

2. For an acknowledgment in a representative capacity:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology on (date) by (name(s) of individual(s)) as (type of authority, such as officer or trustee) of (name of party on behalf of whom the instrument was executed).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

3. For a verification on oath or affirmation:

State of Arizona
County of _____

Signed and sworn to (or affirmed) before me by means of communication technology on (date) by (name(s) of individual(s) making statement).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

4. Certificate of acknowledgement for a corporation:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

5. Certificate of acknowledgement for a partnership:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

6. Certificate of acknowledgement for an individual acting as principal by an attorney in fact:

State of Arizona



County of _____

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

7. Certificate of acknowledgement by any public officer, trustee, or personal representative:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name and title of position).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

R2-12-1308. Record Retention and Depositories

- A. A notary public must retain the electronic journal required and any audio-visual recording created under A.R.S. § 41-374 in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process.
B. An electronic journal must be retained for at least five years after the last remote online notarial act chronicled in the journal.
C. A notary public must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.
D. On the death of adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of an electronic journal or audio-visual recording must:
1. Comply with the retention requirements of this Section;
2. Transmit the journal and recording to one or more depositories under subsection (E); or
3. Transmit the journal and recording in an industry-standard readable data storage device to the Secretary of State at: Secretary of State, Attn: Notary Department, 1700 W. Washington Street, Floor 7, Phoenix, AZ 85007-2808.
E. A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public may, by written contract, engage a third person to act as a depository to provide the storage required by this Section. A third person under contract under this Section shall be deemed a depository under A.R.S. § 41-375. The contract must:
1. Enable the notary public, the guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public to comply with the retention requirements of this Section even if the contract is terminated; or
2. Provide that the information will be transferred to the notary public, the guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public if the contract is terminated.



NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor’s Regulatory Review Council or the Attorney General’s Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

**NOTICE OF FINAL RULEMAKING
TITLE 3. AGRICULTURE
CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION**

[R19-247]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R3-4-101	Amend
Table 1	Amend
R3-4-201	Amend
R3-4-202	Amend
R3-4-203	New Section
Table 2	New Section
Table 3	New Section
R3-4-204	Amend
R3-4-218	Amend
R3-4-219	Repeal
R3-4-220	Amend
R3-4-226	Repeal
R3-4-228	Repeal
R3-4-229	Amend
R3-4-231	Amend
R3-4-234	Repeal
R3-4-238	Repeal
R3-4-239	Amend
R3-4-240	Repeal
R3-4-241	Amend
R3-4-242	Repeal
R3-4-244	Repeal
R3-4-245	Amend
Table 4	New Section
Table 5	New Section
Table 6	New Section
R3-4-246	Repeal
R3-4-248	Amend
R3-4-501	Amend
R3-4-901	Amend

2. Citations to the agency’s statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 3-107(A) and 3-208(B)
 Implementing statute: A.R.S. §§ 3-201.01(A) and 3-208(B)

3. The effective date of the rule:

January 4, 2020

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 25 A.A.R. 849, April 5, 2019
 Notice of Proposed Rulemaking: 25 A.A.R. 795, April 5, 2019



5. The agency's contact person who can answer questions about the rulemaking:

Name: Jamie Legg
 Address: Department of Agriculture
 Plant Services Division
 1688 W. Adams St.
 Phoenix, AZ 85007
 Telephone: (602) 542-0992
 Fax: (602) 542-1004
 E-mail: jlegg@azda.gov

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Department is updating the rules to address outdated and inconsistent information written in the rules. Additionally, the Department has conducted a review of rules with interested stakeholders and is streamlining rules to reduce the regulatory burden, provide consistency with current operating practices, and make the rules more clear and concise.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The changes to the rules make the language and provisions more consistent with current Department practices and industry needs, make the rules more easily understandable and alleviate some regulatory burden while continuing to provide adequate safeguards to agriculture and horticulture from dangerous plant pests and diseases.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Two insects were added to Table 2. Actionable Arthropod Pests. Allium leafminer (*Phytomyza gymnostoma*) and spotted lanternfly (*Lycorma delicatula*) recently detected in the U.S. pose a significant risk to Arizona agriculture.

One common name was changed in Table 5. Class B noxious weeds. "Globe chamomile" was changed to "Stinknet (Globe chamomile)" as this is the more recognized and distributed common name for *Oncosiphon piluliferum*.

Ward's weed (*Carrichtera annua*) was added to Table 4. Class A Noxious Weeds. This change was made after review of a public comment and a determination was made that this weed does pose a significant risk to Arizona Agriculture.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Multiple comments were received in regards to adding language to R3-4-245 Noxious Weeds to address "fire risks" or "public safety" as it associates to fire. After review, it was determined that the Department's enabling statutes do not give the Department authority over fire prevention, the Department does not have sufficient expertise in this area, and further, the Department will not take any action that could potentially conflict or interfere with those governmental entities or agencies that would have such responsibility and expertise.

Several comments were received in regards to changing "Globe chamomile" to "Stinknet (Globe chamomile)" in Table 5. Class B Noxious Weeds. As this is the more recognized common name for *Oncosiphon piluliferum* the Department made this change.

Several comments were received in regards to moving Stinknet (Globe chamomile) from Table 5. Class B Noxious Weeds to Table 6. Class C Noxious Weeds. Based on it's current known distribution, Stinknet would still qualify as a Class B Noxious Weed.

One comment was received in regards to adding the word "mitigation" to the definition of a Class C Noxious Weed in R3-4-245 Noxious Weeds. It was determined by the Department that this would change the definition of Class C Noxious Weed significantly and increase the Department's mandated response to Class C noxious weeds without the resources to do so.

It was proposed that Ward's weed (*Carrichtera annua*) be added to Table 4. Class A Noxious Weeds. This change was made after a determination was made that this weed does pose a significant risk to Arizona Agriculture.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

An ad hoc advisory committees was established as authorized in A.R.S. § 3-106 to provide feedback and recommendations to the changes in Article 2. The ad hoc committees had final approval of the recommended changes by November 19, 2018. A.R.S. § 3-104(F) requires the Arizona Department of Agriculture Advisory Council to assist the Director of the Department on all rulemaking activities. The council shall review, advise and make recommendations before they are adopted by the director. The required consultation and council approval was achieved on November 19, 2018.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Compliance agreements, Origin Inspection Agreements, Master Permits, and Limited Permits are all forms of special permits where special specific conditions must be met prior to issuance. A general permit does not fit the needs of the application requirements.



b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
 Federal law applies to sections R3-4-220, R3-4-239, and R3-4-248 but the rules are not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:
 No analysis was submitted

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:
 Definitions in R3-4-101 of “Processed product” as defined in 7 CFR § 52.2;
 Definitions in R3-4-201 of “Treatment Manual” as USDA-APHIS-PPQ Treatment Manual, T301-Cotton and Cotton Products, revised May 2017;
 Disposition authority, A.R.S. § 3-210 in R3-4-202, R3-4-203 and R3-4-220;
 USDA-APHIS-PPQ Treatment Manual, Heat Treatment Schedule: T314-a in R3-4-203;
 Imported Fire Ant Quarantine 7 CFR § 301.81, 75 FR 4240, revised January 26, 2010 in R3-4-239;
 U.S. Domestic Japanese Beetle Harmonization Plan, revised June 20, 2016 in R3-4-248

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:
 Not applicable

15. The full text of the rules follows:

**TITLE 3. AGRICULTURE
 CHAPTER 4. DEPARTMENT OF AGRICULTURE
 PLANT SERVICES DIVISION**

ARTICLE 1. GENERAL PROVISIONS

Section
 R3-4-101. Definitions
 Table 1. Time-frames (Calendar Days)

ARTICLE 2. QUARANTINE

Section
 R3-4-201. Definitions
 R3-4-202. ~~Transportation and Packaging~~ Domestic Importation
 R3-4-203. ~~Repealed Plant and Crop Safeguards, Inspection, and Certification~~
 Table 2. ~~Actionable Arthropod Pests~~
 Table 3. ~~Actionable Nematode Pests~~
 R3-4-204. ~~Boll Weevil and Pink Bollworm Pests~~ Cotton Pest Management: Interior-Quarantine
 R3-4-218. ~~Boll Weevil and Pink Bollworm Pests~~ Pest: Exterior Quarantine
 R3-4-219. ~~Citrus Fruit Surface Pests~~ Repealed
 R3-4-220. Citrus Nursery Stock Pests
 R3-4-226. ~~Scale Insect Pests~~ Repealed
 R3-4-228. ~~European Corn Borer~~ Repealed
 R3-4-229. Nut Tree Pests
 R3-4-231. Nut Pests
 R3-4-234. ~~Nematode Pests~~ Repealed
 R3-4-238. ~~Whitefly Pests~~ Repealed
 R3-4-239. Imported Fire Ants
 R3-4-240. ~~Apple Maggot and Plum Curculio~~ Repealed
 R3-4-241. ~~Lethal Yellowing of Palms~~ Palm Tree Pests
 R3-4-242. ~~Brown Citrus Aphid~~ Repealed
 R3-4-244. ~~Regulated and Restricted Noxious Weeds~~ Repealed
 R3-4-245. ~~Prohibited~~ Noxious Weeds
 Table 4. ~~Class A Noxious Weeds~~
 Table 5. ~~Class B Noxious Weeds~~
 Table 6. ~~Class C Noxious Weeds~~
 R3-4-246. ~~Caribbean Fruit Fly~~ Repealed
 R3-4-248. Japanese beetle



ARTICLE 5. COLORED COTTON

Section R3-4-501. Colored Cotton Production and Processing

ARTICLE 9. BIOTECHNOLOGY

Section R3-4-901. Genetically Engineered Organisms and Products

ARTICLE 1. GENERAL PROVISIONS

R3-4-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-201, 3-231, 3-441, and 3-481, the following definitions terms apply to this Chapter:

“Appliance” means any box, tray, container, ladder, tent, vehicle, implement, or any article or thing that is or may be used in growing, harvesting, handling, packing, or transporting any agricultural commodity.

~~“Aquatic” means living or growing in or on water.~~

~~“Bulk container” means a container used solely for transporting a commodity in bulk quantities.~~

“Carrier” means any plant or thing that can transport or harbor a plant pest.

“Certificate” means an original document issued by the Department, the United States Department of Agriculture, or authorized officer of the state of origin, stating name, quantity, and nature of the regulated commodity, and the compliance information required by a specific regulation.

“Commodity” means any plant, produce, soil, material, or thing that may be subject to federal and state laws and rules.

“Container” means any box, crate, lug, chest, basket, carton, barrel, keg, drum, can, sack, or other receptacle for a commodity.

~~“Cotton lint” means the remnant produced when cottonseed is processed in a gin.~~

“Cotton plant” means all parts of *Gossypium* spp. ~~whether wild or domesticated~~, except manufactured cotton products.

~~“Cotton products” include seed cotton, cotton lint, cotton linters, notes, cotton waste, gin trash, cottonseed, and cotton hulls.~~

~~“Cotton stubble” means the basal part of a cotton plant that remains attached to the soil after harvest.~~

~~“Cotton waste” includes all waste products from the processing of cotton at gins and cottonseed oil mills, in any form or under any trade designation.~~

~~“Defoliate” means to remove the leaves from a plant.~~

~~“Diseased” means an abnormal condition of a plant resulting from an infection.~~

“Equipment” means any vehicle, device, implement, ladder, tent, or any article or thing that is or may be used in growing, harvesting, handling, packing, or transporting any agricultural commodity.

“Gin trash” means organic waste or materials resulting from ginning cotton.

~~“Head leaves” means all leaves that enfold the compact portion of a head of lettuce or cabbage.~~

“Host” means a plant on or in which a pest can live or reproduce, or both.

“Husk” means the membranous outer envelope of many seeds and fruit, such as an ear of corn or a nut.

“Infested” means (i) any plant or other material on or in which a pest is found, or (ii) a geographical area where a pest is known to occur.

“Inspector” means an employee of the Department or other governmental agency who enforces any law or rule of the Department.

~~“Label” means all tags and other written, printed, or graphic representations in any form, accompanying or pertaining to a plant or other commodity.~~

“Lot” means any one group of plants or things, whether or not containerized that is set apart or is separate from any other group.

“Nursery” means real property or other premises on or in which nursery stock is propagated, grown, or cultivated or from which source nursery stock is offered for distribution or sale. (A.R.S. § 3-201(5))

“Permit” means an official document authorizing the movement of a host plant and carrier.

“Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.

“Pests” includes all noxious weeds, insects, diseases, mites, spiders, nematodes and other animal or plant organisms found injurious, or likely to become injurious, to any domesticated, cultivated, native or wild plant, or to the product of any such plant. (A.R.S. § 3-201(7))

“Phyosanitary certificate” means a certificate issued by a plant regulatory official for the purpose of certifying a commodity or appliance as pest free.



“Plant” or “crop” includes every kind of vegetation, wild or domesticated, and any part thereof, as well as seed, fruit or other natural product of such vegetation. (A.R.S. § 3-201(8))

“Reshipment” means the shipment of a commodity after receipt from another shipping point.

“Processed product” means any fruit, vegetable, or other food product covered under the regulations in this part which has been preserved by any recognized commercial process, including, but not limited to canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation. (7 CFR § 52.2)

“Sell” means to exchange for money or its equivalent including to offer, expose, or possess a commodity for sale or to otherwise exchange, barter, or trade.

“Serious damage” means any injury or defect rising from any circumstance, natural or mechanical, that affects the appearance or the edible or shipping quality of a commodity, or lot.

“Soil” means any non-liquid combination of organic, or organic and inorganic material in which plants can grow.

“Stub or soea cotton” means cotton stalks of a previous crop that begin to show signs of growth.

“Subcontainer” means any container being used within another container.

“Transport” means moving an article from one point to another.

“Treatment” means an application of a substance as either a spray, mist, dust, granule, or fumigant; or a process in which a substance or procedure is used to control or eradicate a plant pest.

“Vector” means an organism (usually an insect) that may carry a pathogen from one host plant to another.

“Vehicle” means an automotive device, such as a car, bus, truck, or private or recreational vehicle.

“Volunteer cotton” means a sprout from seed of a previous crop.

“Wrapper leaves” means all leaves that do not closely enfold the compact portion of the head of lettuce or cabbage.

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
QUARANTINE						
<u>Plant and Crop Safe-guards, Inspection, and Certification</u>	R3-4-203	14	14	30	30	44
Boll Weevil and Pink Boll-worm	R3-4-204(D)	14	14	30	30	44
Small-Grain Crop Approval	R3-4-204(E)(4)(b)	14	14	30	30	44
Boll Weevil and Pink Boll-worm	R3-4-218	14	14	30	30	44
Citrus Fruit Surface Pest	R3-4-219	14	14	60	30	74
European Corn Borer	R3-4-228	14	14	30	30	44
Lettuce Mosaic	R3-4-233	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	R3-4-244 R3-4-245	14	14	30	30	44
Plum Curculio and Apple Maggot	R3-4-240	14	14	60	30	74
Colored Cotton	A.R.S. § 3-205.02 R3-4-501	14	0	0	0	14
NURSERY						
General Nursery Stock Inspection	R3-4-301(B)	30	14	1 yr	14	1 yr, 30 days



Special Nursery Stock Inspection: Ozonium Root Rot	R3-4-301(C)					
• Method of Growing		7	14	60	14	67
New		7	14	30	14	37
Renewal		7	14	4 yrs	14	4 yrs, 7 days
• Indicator Crop Planted on Applicant's Property						
Special Nursery Stock Inspection: Rose Mosaic	R3-4-301(C)	7	14	180	14	187
Special Nursery Stock Inspection: Brown Garden Snail	R3-4-301(C)	7	14	30	14	37
Special Nursery Stock Inspection: Other	R3-4-301(C)	7	14	30	14	37
Phytosanitary Field Inspection	A.R.S. § 3-233(A)(7) R3-4-407	30	7	210	7	240
STANDARDIZATION						
Experimental Pack and Product for Fruit and Vegetables	A.R.S. § 3-487 R3-4-740	7	7	7	7	14
Experimental Pack and Product for Citrus Fruit	A.R.S. § 3-445 R3-4-814	7	7	7	7	14
Citrus Fruit Dealer, Packer, or Shipper License	A.R.S. § 3-449	14	14	14	14	28
Fruit and Vegetable Dealer, Packer, or Shipper License	A.R.S. § 3-492	14	14	14	14	28
SEED DEALERS AND LABELERS						
Seed Dealer	A.R.S. § 3-235 R3-4-408	14	14	14	14	28
Seed Labeler	A.R.S. § 3-235 R3-4-408	14	14	14	14	28

ARTICLE 2. QUARANTINE

R3-4-201. Definitions

In addition to the definitions provided in A.R.S. §§ 3-201, 3-231, 3-441, 3-481, and A.A.C. R3-4-101, the following definitions terms apply to this Article:

“Associate Director” means the Associate Director of the Plant Services Division.

“Common carrier” means any person transporting a commodity or appliance equipment for compensation or commercial purpose.

“Compliance agreement” means a written agreement or permit between a person and the Department for the purpose of allowing the movement or production of a regulated commodity or appliance used equipment from a quarantined area of this state and containing demonstrated safeguarding measures to ensure compliance with the purposes of A.R.S. Title 3, Chapter 2, Article 1.

“Consumer container” means a container that is produced or distributed for retail sale or for consumption by an individual.

“Cotton harvesting machine” means any machine used to pick or harvest raw cotton in a field.

“Designated treatment area” means an area temporarily approved by the Department for the holding and treatment of a commodity or appliance for a pest in cases where a quarantine holding area does not exist.

“Epiphytically” means the function of a plant growing on another plant or object but that does not require the other plant or object as a source of nutrients.

“Firewood” means wood that has been cut, sawn, or chopped into a shape and size commonly used for fuel, or other wood intended for fuel.

“Fumigate” means to apply a gaseous substance to a commodity or appliance used equipment in a closed area to eradicate a pest.

“Green lumber” means freshly sawn, unseasoned wood.

“Hull” means the dry outer covering of a seed or nut.

“Infected” means any plant or other material on or in which a disease is found.



“Label” means all tags and other written, printed, or graphic representations in any form, accompanying or pertaining to a plant or other commodity.

“Limited permit” means a permit issued by the Department to a common carrier or responsible party to transport a commodity or appliance used equipment that would otherwise be restricted.

“Master permit” means a permit issued by the Department to another state department of agriculture that gives that other state authority to certify, in accordance with the terms of the permit, that a regulated commodity or appliance used equipment may enter Arizona without a quarantine compliance certificate.

“Origin inspection agreement” means a permit issued by the Department to a person that specifies terms to ship or transport a regulated commodity or appliance used equipment into Arizona, which importation would otherwise be prohibited by this Article, and that the ~~origin state department of agriculture~~ State Plant Regulatory Official agrees with.

“Package” means (i) any container, box, bag, or envelope used for the shipment of a commodity or appliance used equipment through postal and parcel services or (ii) individual packets of seeds for planting.

“Pest free” means apparently free from all regulated plant pests, as determined by an inspection.

“Pest Management Program” means any state or federally recognized program designed for the prevention, monitoring, and control of a pest or disease. Based on a targeted management (Integrated Pest Management) or holistic approach (Total Systems Approach Program) that incorporates best management practices, monitoring, cultivation practices, cultural controls, treatment programs and/or pest resistant plant varieties, cultivars or hybrids for the control or effective management of any live life stages of a pest or disease.

“Phytosanitary certificate” means a certificate issued by a regulatory official for the purpose of certifying a commodity or appliance as pest free.

~~“Private carrier” means any person transporting a commodity or appliance for a noncommercial purpose.~~

“Quarantine compliance certificate” means a certificate issued by a plant regulatory official of the originating state that establishes that a commodity or appliance used equipment has been treated or inspected to comply with Arizona quarantine rules and orders and includes a certificate of inspection.

“Receiver” means any person or place of business listed on a bill of lading, manifest, or freight bill as a consignee or destination for a commodity or appliance used equipment.

“Regulated plant pest” means all live life stages of an arthropod, disease, plant, nematode, or snail that is regulated or considered under quarantine by a state or federal law, rule or order enforced by the Department.

“Responsible party” means a common carrier, person, or place of business that is legally responsible for the possession of a commodity or appliance used equipment.

“Stub or soca cotton” means cotton stalks of a previous crop that begin to show signs of growth.

“Treatment Manual” means the USDA-APHIS-PPQ Treatment Manual, T301—Cotton and Cotton Products, revised ~~March 2013~~ May 2017. The Treatment Manual is incorporated by reference, does not include any later amendments or editions, and is available from the Department and online at http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf.

R3-4-202. ~~Transportation and Packaging~~ Domestic Importation

A. Any commodity shipped or transported into the state shall be ~~inspected~~ made available for inspection if required to determine whether the commodity is free of all live pests subject to federal and state laws and rules.

B. ~~Each commodity shipped or transported into the state shall display the following information on a bill of lading, manifest, freight bill, or on the outside of the carton;~~

- ~~1. The name and address of the shipper and receiver;~~
- ~~2. A certificate of inspection for nursery stock, if applicable;~~
- ~~3. The botanical or common name of the commodity;~~
- ~~4. The quantity of each type of commodity;~~
- ~~5. The state or foreign country where each commodity originated;~~
- ~~6. Any other certificate required by this Article.~~

C. ~~Packaging.~~

- ~~1. Any commodity shipped or transported into the state shall be packaged or wrapped in a manner to allow inspection by an inspector.~~
- ~~2. The following and other similar types of packages are prohibited:~~
 - ~~a. Packages that cannot be opened without destroying either the package or its contents;~~
 - ~~b. Packages that cannot, once opened, be resealed after inspection without the inspector supplying additional packing material to protect the contents;~~
 - ~~c. Commodities that are packaged or sealed with wire or seals that cannot be opened and resealed without special tools or equipment;~~
 - ~~d. Clear or colored waxes applied to a commodity that prevent inspection.~~

D. ~~Restrictions.~~

- ~~1. Nursery stock shipments shall not enter Arizona between 8:00 a.m. Friday and 12:01 a.m. Monday, or during a legal holiday. Prior to or upon delivery, a shipper, consignor, or broker of a commodity, regulated or otherwise, (excluding processed products) which is shipped into the state must provide the receiver with a bill of lading, manifest, or other similar documentation that indicates:~~



- a. The contact information of the consignor and consignee;
- b. The contents of the shipment; and
- c. The origin of the commodity.
- 2. A shipper, consignor, or broker must provide common carriers documentation prior to shipment containing the following additional information for any commodity that is shipped or transported into the state that is regulated by this article or other state or federal law, rule or order enforced by the Department:
 - a. The name and physical address of the shipper and receiver;
 - b. A certificate of inspection for nursery stock, if applicable;
 - c. The botanical or common name of the commodity, if applicable;
 - d. The trade or descriptive name of the used container or used equipment, if applicable;
 - e. The quantity of each type of commodity;
 - f. The county and state or foreign country where each commodity originated;
 - g. Any other certificate or permit required by this Article or other state or federal law, rule or order enforced by the Department.
- 23. ~~Common and private carriers. A carrier shall declare all commodities at a port of entry, shall provide the receiver of a commodity regulated by this article or other state or federal law, rule or order enforced by the Department, with the documentation required under subsection (B)(2) at the time the regulated commodity is delivered to the receiver.~~
 - a. ~~All carriers shall hold a commodity until it is inspected by an inspector and a Certificate of Release, under A.R.S. § 3-209, is issued. The Director may authorize a carrier to deliver a commodity to a consignee before the inspection.~~
 - i. ~~If the commodity requiring inspection cannot be adequately inspected, the inspector may place the commodity under a "Warning Hold for Agricultural Inspection."~~
 - ii. ~~The inspector may seal the truck to prevent the likelihood of spreading harmful pests.~~
 - b. ~~When a carrier enters the state at a port of entry where agriculture inspections are performed, the driver shall:~~
 - i. ~~Provide the inspector with the bill of lading, manifest, or a short form manifest signed by the company's authorized agent responsible for supervising the loading of the contents in the shipment;~~
 - ii. ~~Open the vehicle and expose the contents for inspection; and~~
 - iii. ~~Assist the inspector in gaining access to the contents.~~
 - e. ~~When a carrier enters the state at a port of entry where no agricultural inspections are performed, the carrier shall follow procedures specified in subsection (D)(2)(b), proceed to destination for inspection, and provide the following information on a Load Report form:~~
 - i. ~~The name, address, and telephone number of the shipper;~~
 - ii. ~~The name, address, and telephone number of the primary receiver;~~
 - iii. ~~The name and address of the carrier;~~
 - iv. ~~The tractor unit number and trailer license number; and~~
 - v. ~~The name and address of additional receivers, if any.~~
- 3. ~~Bulk mail facility. All commodities entering a bulk mail facility shall be held for inspection. The commodity shall not be released until an inspector inspects the commodity and issues a Certificate of Release.~~
- 4. ~~Railroad. Any commodity shipped by railroad shall be inspected at destination. The responsible party shall notify the Director in advance of the shipment to schedule an inspection of the commodity.~~
- 5. ~~Out-of-state destination. If a commodity requiring inspection is shipped to a point outside the state, and is confirmed by a short-form manifest, freight bill, or bill of lading, the inspector shall give the driver a notice in writing, or by transit stamp, that the shipment is under quarantine while in the state, and it is unlawful to dispose of the shipment in any way unless the shipment is inspected and released by an inspector.~~
- 6.4. ~~Certificate of Release. Any person receiving a regulated commodity from a post office, United Parcel Service package transportation and delivery terminal, or any carrier without a Certificate of Release shall immediately notify the Department and request an inspection.~~
- E. ~~Disposition of commodity. When a common carrier is in possession of, or responsible for, a commodity that has been inspected by an inspector and found in violation of Arizona quarantine laws, this article or other state or federal law, rule or order enforced by the Department, and elects to ship the commodity out-of-state, A.R.S. § 3-210:~~
 - 1. ~~The inspector shall issue a "Warning Hold for Agricultural Inspection" notice to the carrier. The carrier shall hold the notice until the commodity is removed from the state through a port of entry designated by the inspector and the removal is noted on the notice-notify the shipper, consignor or broker that the commodity is being shipped out-of-state.~~
 - 2. ~~The common carrier shall surrender the "Warning Hold for Agricultural Inspection" notice (driver's copy) at the port of entry specified on the notice follow the directions provided by the inspector on moving the commodity out-of-state.~~
- F. ~~Violations.~~
 - 1. ~~The inspector shall place any commodities not meeting the requirements of subsections (C)(1) and (C)(2) under quarantine and notify the shipper in writing of the following options:~~
 - a. ~~Reship the commodity out of state;~~
 - b. ~~Provide the necessary labor and material to open the package and reseal it after inspection; or~~
 - e. ~~Under the supervision of an inspector, destroy the shipment.~~
 - 2. ~~Any person who violates any of the following provisions shall submit the load for complete inspection at a port of entry, or where apprehended:~~
 - a. ~~Fails to comply with requirements on the "Warning Hold for Agricultural Inspection" notice;~~



- b. Fails to comply with the inspector's instructions;
- e. Breaks the seals of a sealed vehicle; or
- d. Delivers a product under quarantine before it is released by an inspector, or authorized by the Director.

R3-4-203. Repealed Plant and Crop Safeguards, Inspection, and Certification

- A. Definitions.** In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-201, the following terms apply to this Section:
1. “Actionable arthropod pest” means any arthropod pest that the Associate Director has determined to be an imminent threat to agriculture and horticulture within the state. Table 2 includes, but is not limited to, arthropod pests that would require immediate action and are prohibited from entry into the state.
 2. “Actionable nematode pest” means any nematode pest that the Associate Director has determined to be an imminent threat to agriculture and horticulture within the state. Table 3 includes, but is not limited to, nematode pests that would require immediate action and are prohibited from entry into the state.
 3. “Pest Management Program” means any state or federally recognized program designed for the prevention, monitoring, and control of an actionable arthropod pest or actionable nematode pest. Based on a targeted management (Integrated Pest Management) or holistic approach (Total Systems Approach Program) that incorporates best management practices, monitoring, cultivation practices, cultural controls, treatment programs and/or pest resistant plant varieties, cultivars or hybrids for the control of any live life stages of an actionable arthropod pest or actionable nematode pest associated with the commodity, with a zero pest presence tolerance.
- B. Regulated area.** Unless otherwise indicated, all states, districts, and territories of the United States.
- C. Commodities covered.**
1. All plants and plant products for propagation, including nursery stock (bareroot or potted), budwood, seed for planting, cuttings, stolons, and tissue culture shipped or transported into the state that is a known host for an actionable arthropod pest or actionable nematode pest from the place of origin. Additionally, all agricultural, ornamental, and vegetable seed shall comply with the laws and regulations in Article 4 of this Chapter and any other law, order or Federal regulation enforced by the Department.
 2. All commercially harvested bulk shipments of a plant or crop, excluding processed products, which are shipped or transported into the state that may harbor an actionable arthropod pest.
 3. All domestic soil shipped or transported into the state that is:
 - a. not authorized under a permit or compliance agreement issued by the U.S. Department of Agriculture;
 - b. not sterilized and not packaged for retail sale;
 - c. attached to a plant for the purpose of propagation; or
 - d. used for the purpose of landscaping or grading.
 4. All firewood and green lumber with attached bark.
 5. All used equipment utilized for the propagation, harvesting, transport, and/or maintenance of a commodity listed in subsection (C)(1), (2), (3), or (4).
- D. Restrictions.**
1. For commodities listed in subsection (C) that are not accompanied by proof of compliance with this section as indicated in the remainder of subsection (D); or are found infested with, or exposed to, an actionable arthropod pest or actionable nematode pest may be placed under quarantine until a disposition is determined by an inspector, A.R.S § 3-203.
 2. In addition to the requirements under any other Section in this Article, law, order, or Federal law enforced by the Department, the commodities listed in subsection (C)(1), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a certificate of origin and statement of compliance with this section by one of the following:
 - a. For an actionable arthropod pest known to occur at origin:
 - i. The commodities in the shipment or shipments are inspected and a plant regulatory official provides a certificate attesting that the commodity is apparently free of any live life stages of an actionable arthropod pest;
 - ii. The Associate Director and State Plant Regulatory Official of the origin state has placed the producer under a compliance agreement, authorizing a Pest Management Program for actionable arthropod pests, and has provided certification of compliance to the producer if all provisions of a Pest Management Program are met; or
 - iii. A certificate attesting to treatment for actionable arthropod pests known to occur in the origin location is issued by a plant regulatory official.
 - b. For an actionable nematode pest known to occur at origin:
 - i. The origin state determined through an annual survey conducted within the 12-month period immediately before shipment that the actionable nematode pests do not exist on the property or in the facility used to grow the commodity.
 - ii. The commodity in the shipment was sampled two weeks before shipment, and found free of actionable nematode pests.
 - iii. The commodity was protected from infestation of the actionable nematode pests by implementing all of the following steps:
 - (1) Propagated from clean seed or from cuttings taken 12 inches or higher above ground level;
 - (2) Planted in sterilized soil or other media prepared or treated to ensure freedom from actionable nematode pests;
 - (3) Retained in a sterilized container or bed;
 - (4) Placed on a sterilized bench or sterilized support 18 inches or higher from the ground or floor level; and
 - (5) Found pest-free using a sampling method approved by the Associate Director.



- 3. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, the commodities listed in subsection (C)(2), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a certificate of origin and statement of compliance with this section by one of the following:
 - a. Authorize and validate compliance for an area-wide control program for actionable arthropod pests known to occur at the origin location;
 - b. Inspect bulk shipments of commodities by standard risk-based sampling rates to achieve a 95% confidence level that the shipment is apparently free of any live life stages of an actionable arthropod pest known to occur at origin; or
 - c. Require treatment for actionable arthropod pests known to occur in the origin location by a method known to control the pest and verify effectiveness of treatment.
- 4. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, the commodities listed in subsection (C)(3), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a certificate of origin and statement of compliance with this section by one of the following:
 - a. Authorize and validate a Pest Management Program or an area-wide control program for actionable arthropod pests; or
 - b. Require treatment for actionable arthropod pests known to occur in the origin location by a method known to control the pest.
- 5. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, the commodities listed in subsection (C)(4), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a certificate of origin and statement of compliance with this section by one of the following:
 - a. Heat treatment as indicated in the USDA Treatment Manual, Heat Treatment Schedule: T314-a; and accompanied by a treatment certificate issued by a certified heat-treatment facility, or a state or federal regulatory official; or
 - b. Any other method approved by the Associate Director that eliminates all live life stages of an actionable arthropod pest.
- 6. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, a plant regulatory official shall ensure that the commodity listed in subsection (C)(5) is accompanied by a certificate issued by the origin state attesting that the commodity is reasonably free of all soil and extraneous plant material that could harbor a live life stage of an actionable arthropod pest.

E. Exemptions.

- 1. The Associate Director may issue an exemption to a restriction in this Section at the request of a State Plant Regulatory Official on an area-wide or county-wide basis, under the following conditions:
 - a. For an area-wide or county-wide exemption of a commodity (Master Permit):
 - i. The State Plant Regulatory Official agrees to comply with the conditions of a Master Permit that indicates the necessary safeguarding measures including monitoring, inspection, treatment, alternate treatment, and/or certification of the commodity.
 - ii. The Department may suspend or revoke a Master Permit if one or more shipments of a commodity are not in compliance with the conditions of the authorized Master Permit or live life stages of an actionable arthropod pest or actionable nematode pest are found.
 - b. For an exemption provided to a shipper of a commodity (Origin Inspection Agreement):
 - i. The State Plant Regulatory Official and the shipper agree to comply with the conditions of an Origin Inspection Agreement that indicates the necessary safeguarding measures including monitoring, inspection, treatment, alternate treatment, and/or certification of the commodity.
 - ii. The Department may suspend or revoke an Origin Inspection Agreement if one or more shipments of a commodity are not in compliance with the conditions of the Origin Inspection Agreement or live life stages of an actionable arthropod or actionable nematode pest are found.
- 2. Notwithstanding any other restriction, the Associate Director may declare a State, or an area within a state, exempt to a condition in this Section if it is demonstrated by a State Plant Regulatory Official that an actionable arthropod pest or actionable nematode pest is known not to occur in the origin state and that the actionable arthropod pest or actionable nematode pest is part of a State or Federal authorized pest monitoring program that justifies the “free from” status.

F. Violations. Any shipper of a commodity listed in subsection (C) that is not in compliance with the restrictions indicated in subsection (D), or an actionable arthropod pest or actionable nematode pest are found on the shipment, the shipper may be temporarily suspended from shipping or transporting commodities listed in subsection (C) into the state under the following guidelines:

- a. The shipper will be notified of the violations and corrective measures will be provided;
- b. The origin State Plant Regulatory Official will be notified of the violation and suspension;
- c. The shipper will be required to contact the origin State Plant Regulatory Official to confirm completion of corrective measures;
- d. The origin State Plant Regulatory Official will contact the Department to request approval to retract the suspension upon successful completion of the corrective measures; and
- e. The Associate Director may retract the suspension upon satisfactory completion of the corrective measures.

**Table 2. Actionable Arthropod Pests**

Common Name	Scientific Name
<u>Alfalfa plant bug</u>	<u><i>Adelphocoris lineolatus</i></u>
<u>Allium (Onion) Leafminer</u>	<u><i>Phytomyza gymnostoma</i></u>
<u>American palm cixid</u>	<u><i>Myndus crudus</i></u>
<u>Apple maggot</u>	<u><i>Rhagoletis pomonella</i></u>
<u>Apple mealybug</u>	<u><i>Phenacoccus aceris</i></u>
<u>Apple skinworm</u>	<u><i>Tortrix franciscana</i></u>
<u>Asian Longhorned beetle</u>	<u><i>Anoplophora glabripennis</i></u>
<u>Asiatic garden beetle</u>	<u><i>Maladera castanea</i></u>
<u>Asparagus beetle</u>	<u><i>Crioceris asparagi</i></u>
<u>Avocado whitefly</u>	<u><i>Trialeurodes floridensis</i></u>
<u>Bagworm</u>	<u><i>Thyridopteryx ephemeraeformis</i></u>
<u>Bean leaf beetle</u>	<u><i>Cerotoma trifurcata</i></u>
<u>Bifasciulate scale</u>	<u><i>Chrysomphalus bifasciculatus</i></u>
<u>Black cherry fruit fly</u>	<u><i>Rhagoletis fausta</i></u>
<u>Black orangeworm</u>	<u><i>Holcocera icervaeella</i></u>
<u>Black thread scale</u>	<u><i>Ischnaspis longirostris</i></u>
<u>Black walnut curculio</u>	<u><i>Conotrachelus retentus</i></u>
<u>Blueberry maggot</u>	<u><i>Rhagoletis mendax</i></u>
<u>Boxwood leafminer</u>	<u><i>Monarthropalpus buxi</i></u>
<u>Brown citrus aphid</u>	<u><i>Toxoptera citricida</i></u>
<u>Brown Marmorated Stink Bug</u>	<u><i>Halymorpha halys</i></u>
<u>Browntail moth</u>	<u><i>Nygmia phaeorrhoea</i></u>
<u>Butternut curculio</u>	<u><i>Conotrachelus juglandis</i></u>
<u>Cactus moth</u>	<u><i>Cactoblastis cactorum</i></u>
<u>Cactus weevil</u>	<u><i>Gerstaeckeria nobilis</i></u>
<u>California red scale</u>	<u><i>Aonidiella aurantii</i></u>
<u>Camphor scale</u>	<u><i>Pseudaonidia duplex</i></u>
<u>Caribbean fruit fly</u>	<u><i>Anastrepha suspensa</i></u>
<u>Carob moth</u>	<u><i>Ectomyelois ceratoniae</i></u>
<u>Cereal leaf beetle</u>	<u><i>Oulema melanopus</i></u>
<u>Chaff scale</u>	<u><i>Parlatoria pergandii</i></u>
<u>Chestnut moth</u>	<u><i>Cydia splendana</i></u>
<u>Chilli thrips</u>	<u><i>Scirtothrips dorsalis</i></u>
<u>Chinch bug</u>	<u><i>Blissus leucopterus</i></u>
<u>Citrus blackfly</u>	<u><i>Aleurocanthus woglumi</i></u>
<u>Citrus snow scale</u>	<u><i>Unaspis citri</i></u>
<u>Citrus whitefly</u>	<u><i>Dialeurodes citri</i></u>
<u>Cloudy-winged whitefly</u>	<u><i>Singhiella citrifolii</i></u>
<u>Clover root borer</u>	<u><i>Hylastinus obscurus</i></u>
<u>Coconut scale</u>	<u><i>Aspidiotus destructor</i></u>
<u>Coffee bean weevil</u>	<u><i>Araecerus fasciculatus</i></u>



<u>Comstock mealybug</u>	<i>Pseudococcus comstocki</i>
<u>Conifer Auger Beetle</u>	<i>Sinoxylon unidentatum</i>
<u>Corn stem weevil</u>	<i>Hyperodes humilis</i>
<u>Cottony grape scale</u>	<i>Pulvinaria vitis</i>
<u>Cowpea curculio</u>	<i>Chalcodermus aeneus</i>
<u>Croton soft scale</u>	<i>Phalacrocooccus howertoni</i>
<u>Cycad aulacaspis scale</u>	<i>Aulacaspis vasumatsui</i>
<u>Date palm mite</u>	<i>Oligonychus afrasiaticus</i>
<u>Dogwood borer</u>	<i>Synanthedon scitula</i>
<u>Eggplant pinworm</u>	<i>Keiferia peniculo</i>
<u>Emerald ash borer</u>	<i>Agrilus plannipennis</i>
<u>Euonymus scale</u>	<i>Unaspis euonymi</i>
<u>European chafer</u>	<i>Amphimallon majalis</i>
<u>European corn borer</u>	<i>Ostrinia nubilalis</i>
<u>European crane fly</u>	<i>Tipula paludosa</i>
<u>European peach scale</u>	<i>Parthenolecanium persicae</i>
<u>European pine shoot moth</u>	<i>Rhyacionia bouliana</i>
<u>Eyespotted bud moth</u>	<i>Spilonota ocellana</i>
<u>False parlatoria scale</u>	<i>Pseudoparlatoria parlatorioides</i>
<u>Florida carpenter ant</u>	<i>Camponotus floridanus</i>
<u>Florida red scale</u>	<i>Chrysomphalus aonidum</i>
<u>Florida wax scale</u>	<i>Ceroplastes floridensis</i>
<u>Glacial whitefly</u>	<i>Trialeurodes glacialis</i>
<u>Glover scale</u>	<i>Lepidosaphes gloverii</i>
<u>Grape thrips</u>	<i>Drepanothrips reuteri</i>
<u>Gray sugarcane mealybug</u>	<i>Dysmicoccus boninsis</i>
<u>Green cloverworm</u>	<i>Plathypena scabra</i>
<u>Ground mealybug</u>	<i>Ripersiella hibisci</i>
<u>Hessian fly</u>	<i>Mavetiola destructor</i>
<u>Holly leafminer</u>	<i>Phytomyza ilicis</i>
<u>Indian wax scale</u>	<i>Ceroplastes ceriferus</i>
<u>Jack Beardsley mealybug</u>	<i>Pseudococcus jackbeardslevi</i>
<u>Juniper scale</u>	<i>Carulaspis juniperi</i>
<u>Kirkaldy whitefly</u>	<i>Dialeurodes kirkaldyi</i>
<u>Kondo ground mealybug</u>	<i>Ripersiella kondonis</i>
<u>Lantana mealybug</u>	<i>Phenacoccus parvus</i>
<u>Lesser clover leaf weevil</u>	<i>Hypera nigrirostris</i>
<u>Lesser snow scale</u>	<i>Pinnaspis strachani</i>
<u>Light brown apple moth</u>	<i>Epiphyas postvittana</i>
<u>Little fire ant</u>	<i>Wasmannia auropunctata</i>
<u>Lobate lac scale</u>	<i>Paratachardina pseudolobata</i>
<u>Maskell scale</u>	<i>Lepidosaphes pallida</i>
<u>Mealybug</u>	<i>Delottococcus confusus</i>
<u>Mealybug</u>	<i>Hypogeococcus pungens</i>



Melon worm	<i>Diaphania hyalinata</i>
Mimosa webworm	<i>Homadaula anisocentra</i>
Mining scale	<i>Howardia biclavis</i>
Minute cypress scale	<i>Carulaspis minima</i>
Myrmicine ant	<i>Monomorium destructor</i>
Myrmicine ant	<i>Monomorium floricola</i>
Northern citrus root weevil	<i>Pachnaeus opalus</i>
Obscure scale	<i>Melanaspis obscura</i>
Old house borer	<i>Hylotrupes baiulus</i>
Oleander pit scale	<i>Russellaspis pustulans</i>
Oriental fruit moth	<i>Grapholita molesta</i>
Oriental scale	<i>Aonidiella orientalis</i>
Palm fiorinia scale	<i>Fiorinia fioriniae</i>
Palm thrips	<i>Thrips palmi</i>
Papaya fruit fly	<i>Toxotrypana curvicauda</i>
Pepper flower bud moth	<i>Gnorimoschema gudmannella</i>
Pepper maggot	<i>Zonosemata electa</i>
Pepper tree psyllid	<i>Calophya schini</i>
Persimmon borer	<i>Sannina uroceriformis</i>
Pickleworm	<i>Diaphania nitidalis</i>
Pink hibiscus mealybug	<i>Maconellicoccus hirsutus</i>
Pitmaking pittosporum scale	<i>Planchonia arabis</i>
Plum curculio	<i>Conotrachelus nenuphar</i>
Plum fruit moth	<i>Cydia funebrana</i>
Plumeria whitefly	<i>Paraleyrodes perseae</i>
Potato stalk borer	<i>Trichobaris trinotata</i>
Proteus scale	<i>Parlatoria proteus</i>
Purple scale	<i>Lepidosaphes beckii</i>
Pyriform scale	<i>Protospulvinaria pyriformis</i>
Red palm mite	<i>Raoiella indica</i>
Red-banded thrips	<i>Selenothrips rubrocinctus</i>
Rednecked cane borer	<i>Agrilus ruficollis</i>
Rose chafer	<i>Macroductylus subspinosus</i>
Royal palm bug	<i>Xylastodoris luteolus</i>
Rufous scale	<i>Selenaspis articulatus</i>
Saddleback caterpillar	<i>Acharia stimulea</i>
Satin moth	<i>Leucoma salicis</i>
Sirex woodboring wasp	<i>Sirex noctilo</i>
South African pit scale	<i>Planchonia stentae</i>
South American fruit fly	<i>Anastrepha fraterculus</i>
South American palm weevil	<i>Rhynchophorus palmarum</i>
Southeastern Boll Weevil Biotype	<i>Anthonomus grandis</i>
Southern chinch bug	<i>Blissus insularis</i>
Southern citrus root weevil	<i>Pachnaeus litus</i>



Southern green stink bug	<i>Nezara viridula</i>
Spotted Lanternfly	<i>Lycorma delicatula</i>
Stalk borer	<i>Papaipema nebris</i>
Strawberry root weevil	<i>Otiorynchus ovatus</i>
Subtropical pine tip moth	<i>Rhyacionia subtropica</i>
Sugarcane root borer	<i>Diaprepes abbreviatus</i>
Sweetpotato weevil	<i>Cylas formicarius</i>
Tawny mole cricket	<i>Neoscapteriscus vicinus</i>
Tea parlatoria scale	<i>Parlatoria theae</i>
Tea scale	<i>Fiorinia theae</i>
Tropical fire ant	<i>Solenopsis geminata</i>
Tropical palm scale	<i>Hemiberlesia palmae</i>
Weevil	<i>Artipus floridanus</i>
West Indian Sweet potato weevil	<i>Euscepes postfaciatus</i>
Wheat strawworm	<i>Harmolita grandis</i>
White peach scale	<i>Pseudaulacaspis pentagona</i>
White waxy scale	<i>Ceroplastes destructor</i>
White-footed ant	<i>Technomyrmex difficilis</i>
Yellow scale	<i>Aonidiella citrina</i>
Yellow margined leaf beetle	<i>Microtheca ochroloma</i>

Table 3. Actionable Nematode Pests

Common Name	Scientific Name
Burrowing nematode	<i>Radopholus similis</i>
Golden nematode	<i>Globodera rostochiensis</i>
Oat cyst nematode	<i>Heterodera avenae</i>
Reniform nematode	<i>Rotylenchulus reniformis</i>
Sheath nematode	<i>Hemicycliophora arenaria</i>
Soybean cyst nematode	<i>Heterodera glycines</i>
Sting nematode	<i>Belonolaimus longicaudatus</i>
White cyst potato nematode	<i>Globodera pallida</i>

R3-4-204. ~~Boll Weevil and Pink Bollworm Pests~~ Cotton Pest Management: Interior Quarantine

A. Definitions. The following terms apply to this Section:

1. “Crop remnant” means the stalks, leaves, bolls, lint, pods, and seeds of cotton;
2. “Pests” means any of the following:
 - a. Pink bollworm, *Pectinophora gossypiella* (Saunders); or
 - b. ~~Boll weevil complex, *Anthonomus grandis* (Boheman) complex.~~
2. “Stub cotton” means cotton stalks of a previous crop that begin to show signs of growth;
3. “Volunteer cotton” means a sprout from seed of a previous crop.

B. Regulated commodities and appliances.

1. Cotton, all parts;
2. Cotton gin trash;
3. ~~Used cotton harvesting machines; and~~
4. ~~Other materials, products, and equipment that are means of disseminating or proliferating the pests.~~

~~C. Cotton gin trash. Any person operating an Arizona cotton gin shall daily destroy cotton gin trash by using a method prescribed in the Treatment Manual.~~

~~D. Restrictions.~~

1. ~~A person shall not ship or transport a regulated commodity or appliance from an area infested with pests except pursuant to a limited permit issued by or a compliance agreement with the Department.~~
2. ~~Any person intending to ship or transport a regulated commodity pursuant to a limited permit or compliance agreement shall provide the Department with the following information before the date of movement or shipment:~~
 - a. ~~The quantity of the regulated commodity or appliance to be moved;~~



- b. The location of the commodity or appliance;
 - e. The names and addresses of the consignee and consignor;
 - d. The method of shipment; and
 - e. The scheduled date of the shipment.
3. The shipper shall attach all permits and compliance agreements to the manifest, waybill, or bill of lading which shall accompany the shipment.
 4. Permits and compliance agreements shall specify the manner of handling or treating a regulated commodity or appliance. Pink bollworm and boll weevil treatment shall be under official supervision and applied as prescribed in the Treatment Manual.

EC. Cultural practices.

1. Arizona's cultural zones are:
 - a. Zone "A" -- Yuma County west of a line extended directly north and directly south of Avenue 58E.
 - b. Zone "B" -- Cochise County, Graham County, and Greenlee County.
 - c. Zone "C" -- Mohave County and La Paz County, except for the following: T6N, R11W, 12W, 13W; T5N, R12W, 13W; T4N, R12W, 14W, 15W; T3N, R10W, 11W; and T2N, R11W.
 - d. Zone "D" -- Pima County; the following portions of Pinal County: T10S, R10E, sections 34-36; T10S, R11E, section 31; T7S, R16E; T6S, R16E; T5S, R15E; T5S, R16E and T4S, R14E; and the following portions of the Aguila area: T6N, R8W; T7N, R8W, 9W, 10W; T7N, R11W, other than sections 24, 25 and 36; and T8N, R9W, sections 31-36.
 - e. Zone "E" -- All portions of the state not included in zones "A", "B", "C", and "D."
2. No stub, ~~soea~~, or volunteer cotton shall be grown in or allowed to grow in the state. The landowner or grower shall be responsible for eliminating stub, ~~soea~~, or volunteer cotton.
3. Tillage deadline. Except as provided in subsection (EC)(4), a grower shall ensure that a crop remnant of a host plant remaining in the field after harvest is shredded and the land tilled to destroy the host plant and its root system so no stalks remain attached to the soil before the following dates or before planting another crop, whichever occurs earlier: Zone "A", January 15; Zone "B", March 1; Zone "C", February 15; Zone "D", March 1; Zone "E", February 15.
4. Rotational crop following cotton harvest.
 - a. If a grower elects to plant a small-grain crop following a cotton harvest, the grower may, after the host plant is shredded, irrigate and plant with wheat, barley, or oats (or other similar small-grain crops approved in writing by the Associate Director before planting) instead of tilling as prescribed in subsection (EC)(3). The small-grain crop shall be planted before the tillage deadline for the zone.
 - b. The Associate Director shall approve small-grain crops other than wheat, barley, and oats, if the planting, growth, and harvest cycles of the small-grain crop prevents the maturation of stub, ~~soea~~, or volunteer cotton. A grower shall submit a written request for approval of a small-grain crop, other than wheat, barley, or oats, at least 15 days before the tillage deadline for the zone. The written request shall include the scientific and common name of the proposed small-grain crop and the estimated date of harvest.
 - c. If a grower elects to plant a crop other than an approved small-grain crop following a cotton harvest, the requirements specified in subsection (EC)(3) apply.
5. Planting dates.
 - a. A grower who meets the tillage deadline specified in subsection (EC)(3) for the preceding cotton crop year shall not plant cotton earlier than 15 days after the tillage deadline for the zone.
 - b. A grower who does not meet the tillage deadline specified in subsection (EC)(3) for the preceding cotton crop year shall not plant cotton on a farm until 15 days after the grower ensures that all crop remnants of a host plant remaining in the fields after harvest are shredded and the land tilled to destroy the host plant and its root system so no stalks remain attached to the soil.
6. Dry planting. Any grower who meets the tillage deadline for the zone may dry plant cotton five days after the tillage deadline for that zone, but shall not water until 15 days after the tillage deadline for that zone.
7. An inspector shall give written notice to any owner or person in charge or control of the nuisance found in violation of subsection (EC). The processes established in subsections (EC)(3) and (EC)(4) shall be repeated, as necessary, to destroy the pests.

~~**F.** Advisory Committee. The Director, as necessary, shall appoint an advisory committee composed of the nominated representatives of the Arizona Cotton Growers Association and the Arizona Cotton Research and Protection Council and such other individuals as may be necessary to make recommendations to the Department on amendments to this Section.~~

R3-4-218. Boll Weevil and Pink Bollworm Pests Pest: Exterior Quarantine

A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-201, the following terms apply to this Section:

1. "Cotton appliance" means a container used in handling cotton, including sacks, bags, tarps, boxes, crates, and machinery used in planting, harvesting and transporting cotton.
2. "Cotton lint" means the remnant produced when cottonseed is processed in a gin.
23. "Cottonseed" means a seed derived from cotton plants which is destined for propagation or other use.
34. "Fumigation certificate" means a quarantine compliance certificate that specifies the fumigation chemical used, the treatment schedule, and the commodity treated.
45. "Hibiscus" means all parts of *Hibiscus* spp.
56. "Pest" means any of the following, notwithstanding the definition in A.R.S. § 3-201:
 - a. Boll weevil, *Anthonomus grandis* (Boheman); ~~or,~~
 - b. Pink bollworm, *Pectinophora gossypiella* (Saunders).
67. "Spanish moss" means all parts of *Tillandsia usneoides*.

B. Area under quarantine.



1. ~~Boll weevil.~~ In the state of Texas, the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Brooks, Burleson, Burnett, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Cooke, Coryell, Dallas, Delta, Denton, De Witt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kinney, Kleberg, Lamar, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Mills, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Shelby, Smith, Somervell, Starr, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Wise, Wood, Zapata, and Zavala.
 2. ~~Pink bollworm. New Mexico, Texas, and the following counties of California: Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, San Bernardino, San Benito, San Diego, and Tulare.~~
- C. Regulated commodities and appliances.
1. Gin trash,
 2. Cotton lint,
 3. Cottonseed,
 4. Used cotton appliances or equipment that have any cotton plants attached or contained therein,
 5. Cotton plants,
 6. Spanish moss, and
 7. Hibiscus plants.
- D. Restrictions. A person shall not ship or transport into Arizona from an area under quarantine:
1. ~~For the pink bollworm, any regulated commodity or appliance that is not accompanied by a permit or certificate required by 7 CFR 301.52 et seq., revised January 1, 2013. This incorporation by reference does not include any later amendments or editions and is available from the Department and online at <http://www.gpo.gov/fdsys/>.~~
 2. ~~For the boll weevil,~~
 - a1. Gin trash, cotton lint, cottonseed, or used cotton appliances or equipment that have any cotton plants attached or contained therein unless the commodity or appliance is accompanied by an original fumigation certificate attesting the commodity or appliance has been fumigated as prescribed in the Treatment Manual.
 - b2. Cotton plants or hibiscus plants unless the commodity is accompanied by an original quarantine compliance certificate attesting the commodity was treated with a chemical to kill the pest and was visually inspected and found free of all live life stages of the pest within five days of shipment.
 - e3. Spanish moss, unless the commodity is accompanied by an original quarantine compliance certificate attesting the commodity was treated by one of the following methods:
 - ia. Commercial drying; or
 - ib. Chemical treatment using a pesticide registered and labeled for use on the commodity to kill all live life stages of the pest.

R3-4-219. Citrus Fruit Surface Pest Repealed

A. Definitions:

“Pest” means all life stages of the following:
Aonidiella aurantii, California red scale;
Aonidiella citrina, Yellow scale;
Asynonychus godmani, Fuller rose beetle;
Chrysomphalus aonidum, Florida red scale;
Cornuaspis beckii, Purple scale;
Lepidosaphes gloverii, Glover scale;
Maconellicoccus hirsutus, Pink hibiscus mealybug;
Parlatoria pergandii, Chaff scale;
Phyllocoptruta oleivora, Citrus rust mite; or
Pseudococcus comstocki, Comstock mealybug.

B. Area under quarantine. All states, territories, and districts of the United States, except the state of Arizona.

C. Regulated commodities and appliances:

1. Commodities. The fresh fruit of all species, varieties, and hybrids of the genera *Citrus*, *Fortunella*, and *Poncirus*.
2. Appliances. An appliance used in a citrus grove, citrus nursery, or other area to pick, pack, or handle a regulated commodity listed in subsection (C)(1).

D. Restrictions:

1. A person who ships into Arizona a regulated commodity or appliance listed in subsection (C) shall ensure that the commodity or appliance is free of stems, leaves, and plant parts.
2. A person shall not ship into Arizona a regulated commodity or appliance from an area under quarantine unless each shipment is accompanied by an original certificate issued by a plant regulatory official of the state of origin attesting that the regulated commodity or appliance was treated by a method listed in subsection (F), under the official’s supervision.

E. Exemption. The Director shall issue a permit to allow a regulated commodity from an area under quarantine to enter Arizona without treatment as prescribed in subsection (F) if the applicant complies with all conditions of the permit and the regulated commodity:

1. Originates from an area that a plant regulatory official of the state of origin certifies as pest free; or
2. Is shipped to an Arizona juicing facility located outside of Yuma County; or
3. Is commercially packaged and is shipped to an Arizona business that will redistribute the regulated commodity out of state.

F. Treatment:



- 1. Hydrogen cyanide fumigation. The regulated commodity shall be treated for one hour at the following rate:

Pulp Temperature	Rate per 100 cu. ft.
60° F to 85° F	25 cc HCN gas

- 2. Methyl bromide fumigation (Q label). The regulated commodity shall be treated for two hours at one of the following rates:

Pulp Temperature	Rate per 1000 cu. ft.
60° F to 79° F	3 lbs.
80° F or higher	2 1/2 lbs.

- 3. Irradiation. The regulated commodity shall be treated at a rate approved by the Director.
 - 4. Steam treatment. The regulated appliance shall be cleaned to remove all fruit, leaves, stems, and other debris and then steam treated.
 - 5. Other treatment. The regulated commodity or appliance shall be treated by any other method approved by the Director.
- G. Disposition of regulated commodity or appliance not in compliance. A regulated commodity or appliance shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out of state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

R3-4-220. Citrus Nursery Stock Pests

- A. Definitions. "Pest" means any of the following viral diseases or arthropods: In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-201, the following terms apply to this Section:
- 1. Viral diseases: "Diseases" means any of the following diseases, notwithstanding the definition in A.R.S. § 3-201:
 - a. Citrus Cachexia (CvD II)(CCaVd),
 - b. Citrus Exocortis Virus (CEVd),
 - c. Citrus Psorosis Virus (CPsV), or
 - d. Citrus Tristeza Virus (CTV), or
 - e. Citrus greening disease (HLB), Candidatus *Liberibacter asiaticus*.
 - 2. Arthropods. All life stages of:
Aceria sheldoni, Citrus bud mite;
Maconellicoccus hirsutus, Pink hibiscus mealybug;
Phyllocoptruta oleivora, Citrus rust mite; or
Pseudococcus comstocki, Comstock mealybug.
 - 2. "Shoot-tip-grafting" means a treatment method that employs micro-grafting to eliminate the chances of transmitting a disease.
 - 3. "Thermotherapy" means a treatment method for propagative material that employs high temperatures to eliminate the presence of a disease.
- B. Area under quarantine. All states, territories, and districts of the United States, except the state of Arizona.
- C. Regulated commodities and appliances.
- 1. Commodities. A plant or plant part, Citrus nursery stock. All plants or plant parts, except seed or attached green fruit, of all species, varieties, or hybrids of the genera *Citrus*, *Eremocitrus*, *Fortunella*, *Poncirus*, and *Microcitrus*.
 - 2. Appliances. An appliance used in a citrus grove, citrus nursery, or other area to handle citrus nursery stock listed in subsection (C)(1).
- D. Restrictions.
- 1. A person may ship a regulated commodity into Arizona from an area under quarantine if the regulated commodity is accompanied by a certificate issued by a plant regulatory official from the origin state, attesting that the commodity:
 - a. Originates from an area not under quarantine for citrus tristeza virus, and
 - b. Originates from a source tree that is:
 - i. Tested for Cachexia, citrus exocortis virus, and citrus psorosis virus; or
 - ii. From budwood tested for Cachexia, citrus exocortis virus, and citrus psorosis virus; and
 - iii. Tested annually for citrus tristeza virus; and
 - e. Was treated within five days before shipment with a chemical to kill the arthropod pests listed in subsection (A)(2), and that the commodity is free of all live life stages of the arthropod pests listed in subsection (A)(2).
 - 2. A person shall not ship a Meyer lemon plant or plant part, except fruit, into Arizona. An exception is allowed for the selection Improved Meyer lemon plant or plant part, which may be shipped into Arizona in compliance with this Section.
 - 1. The commodity listed in subsection (C) is prohibited from entry into the state from the area under quarantine unless one of the following conditions are met prior to shipment:
 - a. The regulated commodity is permitted under a USDA-APHIS approved program for the interstate movement of citrus nursery stock;
 - b. A regulated commodity that is not subject to the restrictions for the interstate movement of citrus nursery stock may be certified under an origin state department of agriculture authorized program or National Clean Plant Network program that ensures the regulated commodity is foundation or source material, or has been propagated from a foundation or source tree that has been:
 - i. Tested and found free of the diseases listed in subsection (A)(1)(a),(b),(c), and (d) within the previous 36 months;
 - ii. Tested and found free of the disease listed in subsection (A)(1)(e) within the previous 12 months;
 - iii. Treated by thermotherapy or shoot-tip-grafting;
 - iv. Assigned and tagged with an index number; and
 - v. Released from the origin state or federal quarantine.



- c. The regulated commodity is safeguarded and certified by an alternative method approved by the Associate Director.
- 3.2. A person shipping a regulated commodity into Arizona shall attach a single tag or label to each plant or plant part, or to each individual container containing a plant or plant part, that is intended for resale by an Arizona receiver. The tag or label shall contain the following information separately provided for each scion variety grafted to a single rootstock:
 - a. Name and address of the nursery that propagated the plant,
 - b. Scion variety name,
 - c. Scion variety registration number, and
 - d. Rootstock variety name.
- 4. ~~A person shipping a regulated commodity into Arizona shall ensure the commodity complies with the entry requirements prescribed in R3-4-226 and R3-4-238.~~
- 5. ~~A person may ship a regulated appliance into Arizona if the appliance is accompanied by a certificate issued by a plant regulatory official from the origin state. The certificate shall state that the appliance was treated within five days before shipment with a chemical to kill the arthropod pests listed in subsection (A)(2), and that the appliance is free of all live life stages of the arthropod pests listed in subsection (A)(2).~~
- E. Disposition of regulated commodity ~~or appliance~~ not in compliance. A regulated commodity ~~or appliance~~ shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out-of-state as prescribed at A.R.S. Title 3, Chapter 2, Article 4(A.R.S. § 3-210).

R3-4-226. Scale Insect Pests Repealed

A. Definitions:

“Pest” means all life stages of the following:

- Aonidiella aurantii*, California red scale;
- Aonidiella citrine*, Yellow scale;
- Chrysomphalus aonidum*, Florida red scale; or
- Pulvinaria psidi*, Green shield scale.

B. Area under quarantine. The entire states of Alabama, Arkansas, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, and Texas, and the Commonwealth of Puerto Rico.

C. Regulated commodities. Plants and all plant parts, except seed, of the genera listed below:

- Camellia*;
- Chrysalidocarpus*;
- Citrus*;
- Cycas*;
- Dracaena*;
- Eremocitrus*;
- Euonymus*;
- Ficus*;
- Fortunella*;
- Hex*;
- Ligustrum*;
- Microcitrus*;
- Poncirus*, and
- Rosa*

D. Restrictions. A person may ship a regulated commodity to Arizona from an area under quarantine if each shipment is accompanied by a certificate issued by a plant regulatory official of the origin state within five days before shipment attesting that one of the following is true:

- 1. A regulated commodity of the genera *Citrus*, *Eremocitrus*, *Fortunella*, *Microcitrus*, and *Poncirus* was treated with a chemical to kill the pests listed in subsection (A) and was visually inspected and found free of all live life stages of the pests listed in subsection (A);
- 2. A regulated commodity not listed in subsection (D)(1):
 - a. Was treated with a chemical to kill the pests listed in subsection (A) and was visually inspected and found free of all live life stages of the pests listed in subsection (A); or
 - b. Originated from a nursery with a pest management program recognized and monitored by the origin state to control the pests listed in subsection (A), and was visually inspected and found free of all live life stages of the pests listed in subsection (A).

E. Disposition of regulated commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out of state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

R3-4-228. European Corn Borer Repealed

A. Definitions. The following terms apply in this Section:

- “Corn” means *Zea* spp.
- “Fragment” means a portion of a regulated commodity that cannot pass through a 1/2” aperture or a completely whole, round, and unerushed piece of cob, stalk, or stem of at least 1” in length and 3/16” in diameter.
- “Pest” means all life stages of the European corn borer, *Ostrinia nubilalis*.
- “Shelled grain” means the seed or kernel of corn or sorghum that has been separated from every other plant part.
- “Sorghum” means *Sorghum* spp.

B. Area under quarantine.



1. ~~The entire states of Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.~~
 2. ~~The District of Columbia.~~
 3. ~~In the state of Florida, the following counties: Calhoun, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Madison, Okaloosa, and Santa Rosa.~~
 4. ~~In the state of Louisiana, the following parishes: Bossier, Caddo, Concordia, East Carroll, Franklin, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Tensas, and West Carroll.~~
 5. ~~In the state of New Mexico, the following counties: Chaves, Curry, Quay, Roosevelt, San Juan, Santa Fe, Torrance, Union, and Valencia.~~
 6. ~~In the state of Texas, the following counties: Bailey, Carson, Castro, Dallam, Deaf Smith, Floyd, Gray, Hale, Hansford, Hartley, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Swisher.~~
- ~~C. Regulated commodities. The plants corn and sorghum and every plant part, including seed, shelled grain, stalks, ears, cobs, fragments, and debris are regulated commodities under this Section.~~
- ~~D. Restrictions. A person shall not ship into Arizona a regulated commodity from an area under quarantine unless each shipment is accompanied by a certificate, issued by a plant regulatory official of the state of origin, attesting that the regulated commodity was treated by a method listed in subsection (F), under the official's supervision.~~
- ~~E. Exemptions:~~
1. ~~Treatment prescribed in subsection (F) is waived for all of the following:~~
 - a. ~~Shelled grain, if the grain is accompanied by an original certificate issued by a plant regulatory official of the state of origin attesting that:~~
 - i. ~~The shelled grain was passed through a 1/2" or smaller size mesh screen at the place of origin, and~~
 - ii. ~~The shipment is free of plant fragments capable of harboring the larval life stage of the pest;~~
 - b. ~~Commercially packaged shelled popcorn, planting seed, and grain for human consumption; or~~
 - c. ~~A regulated commodity manufactured or processed by a method that eliminates the pest.~~
 2. ~~The Director shall issue a permit to allow a regulated commodity from an area under quarantine, other than one exempt under subsection (E)(1), to enter Arizona without the treatment prescribed in subsection (F) if the regulated commodity originates from an area certified as pest free by a plant regulatory official of the state of origin.~~
- ~~F. Treatment:~~
1. ~~Methyl bromide fumigation (Q label) applied at label rates.~~
 2. ~~Any other treatment approved by the Director.~~
- ~~G. Disposition. If a person ships a regulated commodity into Arizona in violation of this Section, the regulated commodity shall be destroyed, treated, or transported out of state as prescribed in A.R.S. Title 3, Chapter 2, Article 1.~~

R3-4-229. Nut Tree Pests

- A. Definitions. In addition to the definitions provided in A.R.S. § 3-201 and R3-4-102, A.A.C. R3-4-101 and R3-4-201, the following terms apply to this Section:
1. "Brooming" means a virus-like phytoplasma disease that drastically reduces nut production and sometimes causes death of the host tree.
 2. "Pest" means any of the following, notwithstanding the definition in A.R.S. § 3-201:
 - a. Pecan leaf casebearer, *Acrobasis juglandis* (~~Le Baron~~);
 - b. Pecan nut casebearer, *Acrobasis nuxvorella* (~~Neunzig~~);
 - c. Pecan phylloxera, *Phylloxera devastatrix*/*Phylloxera notabilis*; and
 - d. The ~~pathogen~~ phytoplasma disease that causes brooming disease of walnut.
- B. Area under quarantine: All states, districts, and territories of the United States except California.
- C. Infested area.
1. For ~~*Acrobasis* spp.~~ the pests in subsection (A)(2)(a) and (b): All states and districts east of and including the states of Montana, Wyoming, Colorado, ~~Oklahoma, and Texas; in New Mexico, the counties of Chaves, Lea, Roosevelt, Eddy, Dona Ana, Otero, and Quay and New Mexico.~~
 2. For ~~pecan phylloxera~~ the pest in subsection (A)(2)(c): Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.
 3. For ~~brooming disease of walnut~~ the pest in subsection (A)(2)(d): All states and districts east of and including Montana, Wyoming, Colorado, and New Mexico.
- D. Commodities covered:
1. All species and varieties of the following trees and all plant parts capable of propagation, except the nuts. Plant parts include buds, scions, and rootstocks:
 - a. Hickory and pecan (*Carya* spp.);
 - b. Walnut and butternut (*Juglans* spp.);
 2. All by-products of pruning, harvesting and/or processing, including Pecan firewood; of a commodity listed in subsection (D)(1).
 3. Any used appliance, used box, or sack used equipment used during the growing, harvesting, ~~handling, transporting, or storing~~ nuts and hulls care, or maintenance of a commodity listed in subsection (D)(1);
 4. Any used container, used in the handling, storage, or transport of a commodity listed in subsection (D)(1).
- E. Restrictions:
1. The commodities listed in subsection (D)(1), that are potted in any growing media shall be prohibited from the area under quarantine, unless otherwise exempted by the Associate Director.
 - 1-2. The commodities listed in subsection (D)(1), that are not potted in any growing media, shall be admitted into Arizona:



- a. From the infested area prescribed in subsections (C)(1) and (C)(2) if treated at origin and each lot or shipment is accompanied by a certificate issued by ~~the origin state department of agriculture~~ a plant regulatory official affirming the commodity has been treated in accordance with a selected method prescribed in subsection (F)(1), (2), or (5);
 - b. From an area under quarantine outside the infested area, if each lot or shipment is accompanied by a certificate issued by ~~the origin state department of agriculture~~ a plant regulatory official affirming that the commodities originated in a county not known to be infested with the pests listed in subsections (A)(2)(a), (b), and (c).
- ~~2-3.~~ The commodities listed in subsection (D)(1)(b) shall be:
- a. Prohibited from entering Arizona from the infested area prescribed in subsection (C)(3);
 - b. Admitted into Arizona from an area under quarantine outside the infested area prescribed in subsection (C)(3), if each lot or shipment is accompanied by a certificate issued by ~~the origin state department of agriculture~~ a plant regulatory official affirming ~~brooming the pest listed in subsection (A)(2)(d) is unknown in the origin county.~~
- ~~3-4.~~ The commodities listed in ~~subsections subsection (D)(2) and (D)(3)~~ are prohibited from entering the state unless ~~fumigated as prescribed~~ treated by a method prescribed in subsection (F)(1), (3), or (5).
5. The commodities listed in subsections (D)(3) and (4) are prohibited from entering the state unless treated by a method indicated in subsection (F)(1),(4) or (5).
- F. Treatments:
- 1. Methyl bromide fumigation at ~~normal atmospheric pressure, with circulations maintained for 30 minutes, as follows: manufacturers recommended rates.~~
 - a. ~~2 lbs. per 1,000 cu. ft. for four hours at 70° F or more;~~
 - b. ~~3 lbs. per 1,000 cu. ft. for four hours at 60-69° F.~~
 - 2. A hot-water dip at 140° F or more for a minimum of 30 continuous seconds.
 - 3. Heat treated to an internal temperature of 160° F at the center of the commodity for at least 75 minutes.
 - ~~3-4.~~ Appliances Used equipment and containers.
 - a. Steam-cleaned, inspected, and certified free from debris by the origin state, or
 - b. Cold treatment in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours).
 - ~~4-5.~~ Any other treatment approved by the Associate Director.

R3-4-231. Nut Pests

- A. ~~Definition~~ Definitions. In addition to the definitions provided in A.R.S. § 3-201 and ~~R3-4-102~~ A.A.C. R3-4-101 and R3-4-201, the following term applies to this Section:
- “Pest” means any of the following, notwithstanding the definition in A.R.S. § 3-201:
- 1. Pecan weevil, *Curculio caryae* (Horn);
 - 2. Butternut curculio, *Conotrachelus juglandis* LeC;
 - 3. Black walnut curculio, *Conotrachelus retentus* Say;
 - 4. Hickory shuckworm, *Laspeyresia caryana* (Fitch) *Cydia caryana*.
- “Sticktight” means the remnant husks and/or debris that remain on an in-shell nut after the cleaning process.
- B. Area under quarantine:
- 1. ~~Pecan weevil: All For the pest under subsection (A)(1): The New Mexico counties of Chaves, Curry, Eddy, and Lea and all other states and districts of the United States except California and New Mexico.~~
 - 2. ~~Hickory shuckworm: For the pest under subsection (A)(2): The New Mexico counties of Lea, Eddy, and Dona Ana, and all other states and districts of the United States except California.~~
 - 3. ~~Black walnut curculio and butternut curculio: For the pests under subsection (A)(3) and (4): All states and districts of the United States except California.~~
- C. Commodities covered:
- 1. Nuts of all species and varieties of hickory, pecan (*Carya spp.*), walnut and butternut (*Juglans spp.*), except extracted nut meats.
 - 2. Any ~~used appliance, used box or sack~~ used equipment used during growing, harvesting, handling, transporting, or storing nuts and hulls care, or maintenance of a commodity listed in subsection (C), (1).
 - 3. Any used container, used in the handling, storage, or transport of a commodity listed in subsection (C)(1).
- D. Restrictions:
- 1. A commodity listed in subsection (C)(1), originating in or shipped from the area under quarantine, shall be admitted into Arizona if the commodity has been cleaned of husks, hulls, debris, and sticktights and each lot or shipment is accompanied by a certificate issued by ~~the origin state department of agriculture~~ a plant regulatory official affirming the commodity has been treated ~~in accordance with~~ by a method prescribed in subsection (E)(1), (2), (3), or (5).
 - 2. A commodity listed in ~~subsection~~ subsections (C)(2) and (3) shall be admitted into Arizona if the commodity has been ~~fumi-gated as~~ treated by a method prescribed in subsections (E)(3) and (E)(4) (E)(3), (4), or (5).
- E. Treatment:
- 1. Cold treatment: The commodities shall be held in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours). The treatment shall not start until the entire content of the lot of nuts has reached 0° F
 - 2. A hot-water bath treatment at 140° F for a minimum of five continuous minutes. Water temperature shall be maintained at or above 140° F during the entire treatment period.
 - 3. Methyl bromide fumigation at ~~normal atmospheric pressure, with circulations maintained for 30 continuous minutes, as follows: manufacturers recommended rates.~~
 - a. ~~2 lbs. per 1,000 cu. ft. for four hours at least 70° F, or~~
 - b. ~~3 lbs. per 1,000 cu. ft. for four hours at 60-69° F.~~
 - 4. Appliances Used equipment and containers.
 - a. Steam-cleaned, inspected, and certified free from debris by the origin state,
 - b. Cold treatment in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours).



5. Any other treatment approved by the Associate Director.

R3-4-234. Nematode Pests Repealed

A: Definition:

“Pest” means the reniform nematode, *Rotylenchulus reniformis*, and the burrowing nematode, *Radopholus similis* (Cobb).

B: Areas under quarantine:

1. Reniform nematode:

- a. The entire states of Florida and Hawaii.
- b. The Commonwealth of Puerto Rico.
- c. In the state of Alabama, the counties of, Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Dale, Dallas, DeKalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Saint Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston.
- d. In the state of Arkansas, the counties of Ashley, Jefferson, Lonoke, and Monroe.
- e. In the state of Georgia, the counties of, Baker, Banks, Barrow, Bartow, Ben Hill, Berrien, Bleckley, Brooks, Bulloch, Burke, Calhoun, Candler, Catoosa, Charlton, Clarke, Clay, Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Elbert, Emanuel, Franklin, Gordon, Grady, Hall, Hart, Houston, Jeff Davis, Jefferson, Jenkins, Johnson, Laurens, Lee, Macon, Marion, Miller, Mitchell, Montgomery, Morgan, Newton, Oconee, Peach, Pierce, Pulaski, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattall, Taylor, Terrell, Thomas, Tift, Tombs, Turner, Twiggs, Walker, Walton, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, and Worth.
- f. In the state of Louisiana, the parishes of, Acadia, Ascension, Assumption, Avoyelles, Beauregard, Bossier, Caddo, Calcasieu, Caldwell, Catahoula, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson, Lafayette, Lafourche, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Bernard, Saint Charles, Saint Helena, Saint John the Baptist, Saint Landry, Saint Tammany, Tangipahoa, Tensas, Terrebonne, West Baton Rouge, West Carroll, and Winn.
- g. In the state of Mississippi, the counties of, Adams, Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Coahoma, Copiah, Covington, DeSoto, Forrest, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jackson, Jones, Lafayette, Lee, Leflore, Lowndes, Madison, Marion, Marshall, Monroe, Noxubee, Oktibbeha, Panola, Perry, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Sunflower, Tallahatchie, Tippah, Tunica, Union, Warren, Washington, Yalobusha, and Yazoo.
- h. In the state of North Carolina, the counties of, Cumberland, Harnett, Hoke, Johnston, Richmond, Robeson, Sampson, and Scotland.
- i. In the state of South Carolina, the counties of, Calhoun, Clarendon, Darlington, Dillon, Florence, Kershaw, Lee, Marlboro, Orangeburg, Sumter, and Williamsburg.
- j. In the state of Texas, the counties of, Brazos, Burleson, Cameron, Fort Bend, Hidalgo, Lynn, Robertson, Starr, Terry, Wharton, and Willacy.

2. Burrowing nematode:

- a. The entire states of Florida and Hawaii.
- b. In the state of Texas, the counties of, Cameron and Hildago.
- c. The Commonwealth of Puerto Rico.

C: Regulated Commodities:

1. Soil;
2. All plants with roots, including bulbs, corms, tubers, rhizomes, and stolons; and
3. All plant cuttings for propagation.

D: Exceptions to regulated commodities:

1. Industrial sand and clay;
2. Orchids and plants produced epiphytically, if growing exclusively in or on soil free material such as osmunda fiber, tree fern trunk, or bark;
3. Aquatic plants, including species normally growing in, on, or under water;
4. Dormant bulbs, corms, tubers, rhizomes, and stolons for propagation, if free from roots and soil; and
5. All fleshy roots, corms, tubers, and rhizomes for edible or medicinal purposes, if free of soil.

E: Quarantine Restrictions:

1. The Associate Director shall deny entry of a regulated commodity from an area under quarantine, whether moved directly from the area or by diversion or reconsignment, unless the regulated commodity is accompanied by an original certificate from the state of origin. The certificate shall state that the regulated commodity contained in the shipment is pest free by one of the following methods:
 - a. The origin state determined through an annual survey conducted within the 12-month period immediately before shipment, that the pests do not exist on the property or in the facility used to grow the regulated commodity.
 - b. The regulated commodity in the shipment was sampled two weeks before shipment, and found pest free.
 - c. The regulated commodity was protected from infestation of the pests by implementing all of the following steps:
 - i. Propagated from clean seed or from cuttings taken 12 inches or higher above ground level;
 - ii. Planted in sterilized soil or other material prepared or treated to ensure freedom from the pests;
 - iii. Retained in a sterilized container or bed;
 - iv. Placed on a sterilized bench or sterilized support 18 inches or higher from the ground or floor level, and
 - v. Found pest free using a sampling method approved by the Associate Director.



- 2. All regulated commodities entering Arizona shall be unloaded at destination into a quarantine holding area and held undisturbed for at least five calendar days until the Department confirms the regulated commodities are pest free.
- 3. An Arizona receiver of a regulated commodity shall establish a quarantine holding area approved by the Department that satisfies the following conditions:
 - a. The floor of the holding area shall be composed of a permeable surface, such as sand or soil, and shall be free from debris, grass, and weeds;
 - b. An outdoor quarantine holding area shall be at least 15 ft. from all masonry walls, property boundaries, and non-quarantined plants;
 - c. The quarantine holding area shall be isolated from public access, and surrounded by a fence or other barrier; and
 - d. The integrity and security of the holding area shall be maintained at all times.
- 4. A cutting or bare-root regulated commodity may be placed in a container during the quarantine holding period. If the Associate Director determines that the regulated commodity is infested with a pest, the regulated commodity, container, and soil shall be transported out of state or destroyed by a method approved by the Associate Director.
- 5. Pesticides and other chemicals shall not be applied to a regulated commodity in a quarantine holding area except under the direction and supervision of a Department inspector.

F. Disposition of violations.

If laboratory testing indicates a regulated commodity is infested with a pest, the regulated commodity shall be destroyed or transported out of state.

R3-4-238. Whitefly Pests Repealed

A. Definition.

“Pest” means:

- 1. Citrus whitefly, *Dialeurodes citri* (Ashm.);
- 2. Cloudy-winged whitefly, *Dialeurodes citrifolii* (Morgan);
- 3. Woolly whitefly, *Aleurothrixus floecosus* (Maskell).

B. Area under quarantine. Alabama, Arkansas, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.

C. Commodities covered. Plants and all plant parts, except fruit and seed, of the following genera and species:

- Ailanthus,*
- Amplopsi,*
- Bignonia capreolata,*
- Choisya ternata,*
- Citrus,*
- Diospyros,*
- Eremocitrus,*
- Feijoa,*
- Ficus macrophyll,*
- Fortunella,*
- Gardenia,*
- Hex,*
- Jasminum,*
- Lagerstroemia,*
- Ligustrum,*
- Maclura pomifera,*
- Melia,*
- Microcitrus,*
- Musa,*
- Osmanthus,*
- Plumaria,*
- Poncirus,*
- Prunus caroliniana,*
- Psidium,*
- Punica granatum,*
- Pyrus communis,*
- Sapindus mukorossi,*
- Smilax,*
- Syringa vulgaris,* and
- Viburnum*

D. Restrictions. A person may ship a regulated commodity to Arizona from an area under quarantine if the shipment is accompanied by a certificate issued by a plant regulatory official of the origin state attesting that within five days before shipment:

- 1. A regulated commodity of the genera Citrus, Eremocitrus, Fortunella, Microcitrus, and Poncirus was treated with a chemical to kill the pests listed in subsection (A), and was visually inspected and found free of all live life stages of the pests listed in subsection (A);
- 2. A regulated commodity not listed in subsection (D)(1):
 - a. Was treated with a chemical to kill the pests listed in subsection (A) and was visually inspected and found free of all live life stages of the pests listed in subsection (A), or



- b. Originated from a nursery with a pest management program recognized and monitored by the origin state and to control the pests listed in subsection (A), and was visually inspected and found free of all live life stages of the pests listed in subsection (A), or
 - e. The regulated commodity is completely devoid of foliage and is exempt from treatment for the pests listed in subsection (A).
- E.** Disposition of regulated commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out of state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

R3-4-239. Imported Fire Ants

- A.** Definitions.
 “Pest” means any species of imported fire ants, including *Solenopsis invicta* and *Solenopsis richteri*, notwithstanding the definition in A.R.S. § 3-201.
- B.** Area under quarantine. A state or portion of a state listed in 7 CFR 301.81-3, 68 FR 5794, February 5, 2003, 57 FR 57327, December 4, 1992, Federal Domestic Order DA-2018-11, April 17, 2018, and any area a state declares infested. This material is incorporated by reference, on file with the Department and the Office of the Secretary State, and does not include any later amendments or editions.
- C.** Regulated commodities.
1. Soil, separately or with other articles, except potting soil shipped in an original container in which the potting soil is packaged after commercial preparation; and
 2. All plants associated with soil, except:
 - a. Plants that are maintained indoors year-round, and are not for sale; and
 - b. Plants shipped bare-root and free of soil.
- D.** Restrictions.
1. ~~A shipper of a regulated commodity shall unload a regulated commodity at destination into an approved quarantine holding area as prescribed in subsection (D)(2). The Department shall inspect and quarantine the regulated commodity as follows:~~
 - a. ~~Soil and plants associated with soil from an area under quarantine in subsection (B) shall be held at least three consecutive days, and~~
 - b. ~~Soil and plants associated with soil from an area under quarantine for nematodes under R3-4-234(B) shall be held at least five consecutive days.~~
 2. ~~An Arizona receiver of a regulated commodity shall establish a Department approved quarantine holding area that meets the following specifications:~~
 - a. ~~The floor is of a permeable surface, such as sand or soil, and free from debris, grass, or weeds;~~
 - b. ~~The area is isolated from public access, surrounded by a fence or other barrier;~~
 - c. ~~The integrity and security of the area is maintained at all times; and~~
 - d. ~~If outdoors, the area is at least 15 feet from any masonry wall, property boundary, or non-quarantine plant.~~
 1. An Arizona receiver of a regulated commodity shall establish a Department-approved quarantine holding area that meets the following specifications:
 - a. The floor is of a permeable surface, such as sand or soil, and free from debris, grass, or weeds;
 - b. The area is isolated from public access, surrounded by a fence or other barrier;
 - c. The integrity and security of the area is maintained at all times; and
 - d. If outdoors, the area is at least 15 feet from any masonry wall, property boundary, or non-quarantine plant.
 2. A shipper or receiver shall unload a regulated commodity at destination into an approved quarantine holding area as prescribed in subsection (D)(1). The Department may inspect the regulated commodity as follows:
 - a. A regulated commodity from an area under quarantine in subsection (B) shall be held at least three consecutive days, unless otherwise released by an inspector.
 - b. A regulated commodity may be inspected to determine compliance with this section.
 - c. A disposition shall be provided by an inspector upon completion of an inspection.
 - d. If an inspection to determine compliance with this section is not conducted, an inspector shall release the regulated commodity.
 3. A receiver shall only apply a pesticide or other chemical to a regulated commodity located in a quarantine holding area ~~only~~ when directed and supervised by a Department inspector as authorized by the Associate Director.
- E.** Exemptions. Soil samples of no more than fifteen (15) pounds that comply with the interstate movement requirements of 7 CFR §§ 301.81 et seq., 75 FR 4240, January 26, 2010, Federal Domestic Order DA-2018-11, April 17, 2018, are exempt from the requirements of this Section.
- E.F.** Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section ~~shall~~ may be destroyed, ~~treated, destroyed,~~ or transported out-of-state by the owner and at the owner’s expense as authorized by the Associate Director.

R3-4-240. Apple Maggot and Plum Curculio Repealed

- A.** Definitions. The following term applies to this Section:
 “Pest” means:
1. Apple maggot, *Rhagoletis pomonella* (Walsh); or
 2. Plum curculio, *Conotrachelus nenuphar*.
- B.** Area under quarantine. All states, territories, and districts of the United States.
- C.** Regulated commodities. The fresh fruit of the following plants:
Chaenomeles spp. (Quince);
Crataegus spp. (Hawthorne);
Malus spp. (Apple);



Prunus spp. (Apricot, Cherry, Nectarine, Peach, Plum, and Prune), and *Pyrus communis* spp. (Pear).

D. Restrictions:

- 1. A person shall not ship into Arizona a regulated commodity that is produced in or shipped from an area under quarantine unless each lot or shipment is accompanied by a certificate issued by an official of the state of origin, attesting that the regulated commodity was:
 - a. Held in an approved controlled atmosphere storage facility for a minimum of 90 continuous days at a maximum temperature of 38° F, or
 - b. Held in an approved cold storage facility for a minimum of 40 continuous days at a maximum temperature of 32° F.
- 2. The Director may issue a permit to allow a regulated commodity from an area under quarantine to enter Arizona without treatment as prescribed in subsection (D)(1) if the commodity originates from an area:
 - a. That is certified to be pest free, or
 - b. That is infested, but where an on-going pest eradication program exists that is acceptable to the Director of the Arizona Department of Agriculture.

E. Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out of state by the owner and at the owner's expense.

R3-4-241. Lethal Yellowing of Palms Palm Pests

A. Definitions. The In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-01, the following term applies to this Section:

"Pest" means, notwithstanding the definition in A.R.S. § 3-201:

- 1. ~~A pathogen, a non-cultivable mollicute, causing lethal yellowing of palms; or~~
 - 1. *Candidatus* Phytoplasma palmae subgroup 16SrIV, strain A (Lethal yellowing);
 - 2. *Candidatus* Phytoplasma 16SrIV-D (Texas Phoenix palm decline);
 - 3. *Fusarium oxysporum* f. sp. *palmarum* (Fusarium wilt of queen and Mexican fan palm); or
 - 2-4. *Myndus crudus*, a planthopper that vectors the pathogen pest defined in (A)(1) and (2).

B. Area under quarantine. For the pest in subsection (A)(1):

- 1. In the state of Florida, the following counties: Broward, Collier, Hendry, Lee, Martin, Miami-Dade, Monroe, and Palm Beach.
- 2. In the state of Texas, the following counties: Cameron, Hidalgo, and Willacy.
- 3. For the pest in subsection (A)(2):
 - a. In the state of Florida, the following counties: Alachua, Desoto, Duval, Hardee, Highlands, Hillsborough, Indian River, Lake, Manatee, Miami-Dade, Orange, Polk, Sarasota, and Volusia.
 - b. In the state of Louisiana, the following parish: Orleans.
 - c. In the state of Texas, the following counties: Bexar, Cameron, Hidalgo, Klebrg, Nueces, Tarrant, and Willacy.
- 4. For the pest in subsection (A)(3):
 - a. The state of Florida
 - b. In Texas, the following county: Houston
- 5. For the pest in subsection (A)(4):
 - a. The state of Florida
 - b. In Texas, the following counties: Houston

C. Regulated commodities. All propagative parts of the following plants, except seed:

- Aiphanes lindeniana*,
- Allagoptera arendria*,
- Andropogon virginicus* (Broomsedge),
- Arenga engleri*,
- Borassus flabellifer* (Palmyra Palm),
- Caryota mitis* (Cluster Fishtail Palm),
- Caryota rumphiana* (Giant Fishtail Palm),
- Chelyocarpus chuco*,
- Chrysalidocarpus cabadae*, syn. *Dypsis cabadae* (Cabada Palm),
- Cocos nucifera* (Coconut Palm),
- Corypha elata* (Buri Palm),
- Cynodon dactylon* (Bermuda Grass),
- Cyperus* spp. (Sedges),
- Dictyosperma album* (Princess Palm),
- Eremochloa ophiuroides* (Centipede Grass),
- Gaussia attenuata* (Puerto Rican Palm),
- Howea belmoreana* (Belmore Sentry Palm),
- Latania* spp. (Latan Palm),
- Livistona chinensis* (Chinese Fan Palm),
- Livistona rotundifolia* (Javanese Fan Palm),
- Mascarena verschaffeltii* (Spindle Palm),
- Nannorrhops ritchiana* (Mazari Palm),
- Neodypsis decaryi*, syn. *Dypsis decaryi* (Triangle Palm),
- Pandanus utilis* (Screw Pine),
- Panicum purpurascens* (Para Grass),
- Panicum bartowense*,



Paspalum notatum (Bahia Grass),
Phoenix canariensis (Canary Island Date Palm),
Phoenix dactylifera (Date Palm),
Phoenix reclinata (Sengal Date Palm),
Phoenix roebelenii (Pigmy Date Palm),
Phoenix rupicola (Cliff Date Palm),
Phoenix sylvestris (Wild Date Palm),
Phoenix zeylanica (Ceylon Date Palm),
Polyandrococos caudescens,
Pritchardia spp.,
Pseudopheoenix sargentii (Florida Cherry Palm),
Ravenea hildebrandtii,
Sabal mexicana (Rio Grande Palmetto),
Sabal palmetto (Cabbage Palmetto),
Stenotaphrum secundatum (St. Augustine Grass),
Sygarus romanzoffiana (Queen palm),
Syagrus schizophylla
Thrinax radiata (Florida Thatch Palm),
Trachycarpus fortunei (Windmill Palm),
Veitchia spp., and
Washingtonia robusta (Mexican Fan Palm), and
Zoysia spp. (Zoysia Grass).

- D. ~~Restrictions. A person shall not ship into Arizona a regulated commodity that is produced in or shipped from an area under quarantine. The commodities in subsection (C) are prohibited from the area under quarantine unless the following conditions are met prior to shipment:~~
 1. ~~The plant regulatory official issues a certificate or certifies an ongoing Pest Management Program attesting that the conditions in (D)(2), (3), (4), and (5) were met prior to shipment;~~
 2. ~~No field grown plants are included in the shipment;~~
 3. ~~The commodity was inspected prior to shipment and no symptoms of any pest (A)(1), (2), or (3) were observed;~~
 4. ~~The commodity was treated with a labeled product to eliminate all live life stages of the pest (A)(4); and~~
 5. ~~The commodity originates from an outdoor facility no closer than one-half mile from a known infested area of a pest indicated in (A)(1), (2), or (3).~~
- E. Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner's expense.

R3-4-242. ~~Brown Citrus Aphid Repealed~~

- ~~A. Area Under Quarantine: Hawaii and any county in Florida that, by notification from the Florida Department of Agriculture and Consumer Services, is infested with the brown citrus aphid.~~
- ~~B. Commodities covered: All plants, except seed and fruit.~~
- ~~C. Restrictions:~~
 1. ~~The species, subspecies, varieties, ornamental forms, and any hybrid having at least one ancestor of the following genera are prohibited from entering the state:~~
 - a. ~~*Citrus*;~~
 - b. ~~*Fortunella*, and~~
 - e. ~~*Poncirus*;~~
 2. ~~All other covered commodities, whether moved directly from the area under quarantine or by diversion or reconsignment from any other point, are prohibited from entering Arizona unless the following requirements are met:~~
 - a. ~~Aquatic plants are accompanied by an original certificate affirming that the commodity was inspected and found free of the pest within five days before shipment.~~
 - b. ~~Terrestrial plants are accompanied by an original certificate affirming that the commodity was treated, as prescribed in subsection (E), within five days before shipment.~~
 - e. ~~The certificate shall indicate:~~
 - i. ~~The common chemical name of the product's active ingredient;~~
 - ii. ~~The rate at which the product was applied, and~~
 - iii. ~~The treatment date.~~
- ~~D. The Director may issue a permit admitting a covered commodity subject to specific limitations, conditions, and provisions that eliminate the risk of the pest.~~
- ~~E. Treatment:~~
 1. ~~An application of a pesticide labeled for the treatment of aphids applied according to label instructions, or~~
 2. ~~Any other treatment approved by the Director.~~

R3-4-244. ~~Regulated and Restricted Noxious Weeds Repealed~~

- ~~A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, the following terms apply to this Section:~~
 1. ~~"Habitat" means any terrestrial or aquatic area within Arizona that is capable of sustaining plant growth.~~
 2. ~~"Infested area" means each individual container in which a pest is found or the specific area that harbors a pest.~~



3. "Regulated pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state may be controlled to prevent further infestation or contamination:

- Cenchrus echinatus* L.— Southern sandbur,
- Cenchrus incertus* M.A. Curtis— Field sandbur,
- Convolvulus arvensis* L.— Field bindweed,
- Eichhornia crassipes* (Mart.) Solms— Floating water hyacinth,
- Medicago polymorpha* L.— Burelover,
- Pennisetum ciliare* (L.) Link— Buffelgrass,
- Portulaca oleracea* L.— Common purslane,
- Tribulus terrestris* L.— Puneturevine.

4. "Restricted pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state shall be quarantined to prevent further infestation or contamination:

- Acroptilon repens* (L.) DC.— Russian knapweed,
- Aegilops cylindrica* Host.— Jointed goatgrass,
- Alhagi pseudalhagi* (Bieb.) Desv.— Camelthorn,
- Cardaria draba* (L.) Desv.— Globed-podded hoary cress (Whitetop),
- Centaurea diffusa* L.— Diffuse knapweed,
- Centaurea maculosa* L.— Spotted knapweed,
- Centaurea solstitialis* L.— Yellow starthistle (St. Barnaby's thistle),
- Cuscuta* spp.— Dodder,
- Eichhornia crassipes* (Mart.) Solms— Floating water hyacinth,
- Elytrigia repens* (L.) Nevski— Quackgrass,
- Euryops subcarnosus* subsp. *vulgaris*— Sweet resinbush,
- Halogeton glomeratus* (M. Bieb.) C.A. Mey— Halogeton,
- Helianthus ciliaris* DC.— Texas blueweed,
- Ipomoea triloba* L.— Three-lobed morning glory,
- Linaria genistifolia* var. *dalmatica*— Dalmation toadflax,
- Onopordum acanthium* L.— Scotch thistle.

B. Area under quarantine: All infested areas within the state.

C. The following commodities are hosts or carriers of the regulated or restricted pest:

1. All plants other than those categorized as a regulated or restricted pest;
2. Forage, straw, and feed grains;
3. Live and dead flower arrangements;
4. Ornamental displays;
5. Aquariums; and
6. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.

D. The Department may quarantine any commodity, habitat, or area infested or contaminated with a regulated pest and notify the owner or carrier of the restrictions and treatments listed in subsections (F) and (G). If the regulated pest is not quarantined, the Department shall provide the grower with technical information on effective weed control activities through integrated pest management.

E. The Department shall quarantine any commodity, habitat, or area infested or contaminated with a restricted pest and shall notify the owner or carrier of the restrictions and treatments of the pest listed in subsections (F) and (G).

F. Restrictions:

1. No regulated or restricted pest or commodity infested or contaminated with a regulated or restricted pest shall be moved to a non-infested area unless the Director issues a permit for the transporting or propagating of the pest.
2. An owner or the owner's representative shall notify the Department at least two working days in advance of moving contaminated equipment from an infested area.
3. The Department may inspect all equipment within two working days after a request to inspect the equipment is made if the equipment:
 - a. Has been moved into or through a non-infested area;
 - b. Has not been treated; or
 - c. Has been used to harvest an infested crop within the past 12 months.

G. Treatments:

1. An owner or the owner's representative shall treat all soil and debris from equipment used in a quarantined area until it is free of the regulated or restricted pest before the equipment is moved. Removal or destruction of the restricted or regulated pest shall be accomplished through one of the following methods:
 - a. Autoclaving:
 - i. Dry heat. The commodity shall be heated for 15 minutes at 212° F.
 - ii. Steam heat. The commodity shall be heated for 15 minutes at 212° F;
 - b. Fumigating with ethylene oxide, chamber only: The commodity shall be fumigated with 1,500 mg/L for four hours in a chamber pre-heated to 115-125° F;
 - c. High pressure water spray;
 - d. Crushing;
 - e. Incinerating; or



- f. Burying in a sanitary landfill to a depth of six feet.
- 2. An owner or the owner's representative shall treat an infested area or habitat, including the area within the crop, rangeland, roadside, or private property, with treatments based on an integrated pest management program appropriate to the commodity. The treatments shall take place under the direction of an inspector and shall include:
 - a. Reshipment from the state;
 - b. Manual removal;
 - c. Application of a herbicide;
 - d. Biological control including insects, fungi, nematodes, or microbes; or
 - e. Any other treatment approved by the Director.

R3-4-245. Prohibited-Noxious Weeds

A. **Definition-Definitions.** In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-201, the following apply to this Section:

1. "Habitat" means any terrestrial or aquatic area within Arizona that is capable of sustaining plant growth.
2. "Infested area" means each individual container in which a pest is found, the specific area that harbors the pest, or any shipment that has not been released to the receiver and is infested with a pest.
3. "Pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), that are prohibited from entering the state:

Acroptilon repens (L.) DC. — Russian knapweed;
Aegilops cylindrica Host. — Jointed goatgrass;
Alhagi pseudalhagi (Bieb.) Desv. — Camelthorn;
Alternanthera philoxeroides (Mart.) Griseb. — Alligator weed;
Cardaria pubescens (C.A. Mey) Jarmolenko — Hairy whitetop;
Cardaria chalepensis (L.) Hand-Muzz — Lens-podded hoary cress;
Cardaria draba (L.) Desv. — Globed-podded hoary cress (Whitetop);
Carduus acanthoides L. — Plumeless thistle;
Cenchrus echinatus L. — Southern sandbur;
Cenchrus incertus M.A. Curtis — Field sandbur;
Centaurea calcitrapa L. — Purple starthistle;
Centaurea iberica Trev. ex Spreng. — Iberian starthistle;
Centaurea squarrosa Willd. — Squarrose knapweed;
Centaurea sulphurea L. — Sicilian starthistle;
Centaurea solstitialis L. — Yellow starthistle (St. Barnaby's thistle);
Centaurea diffusa L. — Diffuse knapweed;
Centaurea maculosa L. — Spotted knapweed;
Chondrilla juncea L. — Rush skeletonweed;
Cirsium arvense L. Scop. — Canada thistle;
Convolvulus arvensis L. — Field bindweed;
Coronopus squamatus (Forsk.) Ascherson — Creeping walteress (Coronopus);
Cucumis melo L. var. *Dudaim* Naudin — Dudaim melon (Queen Anne's melon);
Cuscuta spp. — Dodder;
Drymaria arenarioides H.B.K. — Alfombrilla (Lightningweed);
Eichhornia azurea (SW) Kunth. — Anchored water hyacinth;
Eichhornia crassipes (Mart.) Solms — Floating water hyacinth;
Elytrigia repens (L.) Nevski — Quackgrass;
Euphorbia esula L. — Leafy spurge;
Halogeton glomeratus (M. Bieb.) C.A. Mey — Halogeton;
Helianthus ciliaris DC. — Texas blueweed;
Hydrilla verticillata Royale — Hydrilla (Florida-elodea);
Ipomoea spp. — Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory; *Ipomoea triloba*, three-lobed morning glory (which is considered a restricted pest); and *Ipomoea aborescens*, morning glory tree;
Ipomoea triloba L. — Three-lobed morning glory;
Isatis tinctoria L. — Dyers woad;
Linaria genistifolia var. *dalmatica* — Dalmation toadflax;
Lythrum salicaria L. — Purple loosestrife;
Medicago polymorpha L. — Burelover;
Nassella trichotoma (Nees.) Haek. — Serrated tussock;
Onopordum acanthium L. — Scotch thistle;
Orobanche ramosa L. — Branched broomrape;
Panicum repens L. — Torpedo grass;
Peganum harmala L. — African rue (Syrian rue);
Pennisetum ciliare (L.) Link — Buffelgrass;
Portulaca oleracea L. — Common purslane;
Rorippa austriaca (Crantz.) Bess. — Austrian fielderess;
Salvinia molesta — Giant Salvinia;
Senecio jacobaea L. — Tansy ragwort;
Solanum carolinense L. — Carolina horsenettle;



Sonchus arvensis L. — Perennial sowthistle;
Solanum viarum Dunal — Tropical Soda Apple;
Stipa brachychaeta Godr. — Puna grass;
Striga spp. — Witchweed;
Trapa natans L. — Water chestnut;
Tribulus terrestris L. — Puncturevine.

1. “Class A Noxious Weed” is categorized as a species of plant that is not known to exist or of limited distribution in the State and is a high priority pest for quarantine, control, or mitigation. Class A noxious weeds are listed in Table 4.
2. “Class B Noxious Weed” is categorized as a species of plant that is known to occur, but of limited distribution in the State and may be a high priority pest for quarantine, control or mitigation if a significant threat to a crop, commodity, or habitat is known to exist. Class B noxious weeds are listed in Table 5.
3. “Class C Noxious Weed” is categorized as a species of plant that is widespread but may be recommended for active control based on risk assessment. Class C noxious weeds are listed in Table 6.

B. Area under quarantine: All states, districts, and territories of the United States except Arizona.

C. The following commodities are hosts or carriers of the pest:

1. All plants and plant parts other than those categorized as a pest;
2. Forage, straw, and feed grains;
3. Live or dead flower arrangements;
4. Ornamental displays;
5. Aquariums; and
6. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.

D. The Department shall quarantine any commodity, habitat, or area infested or contaminated with a pest and shall notify the owner or carrier of the methods of removing or destroying the pest from the commodity, habitat, or area. The Department shall reject any shipment not released to the receiver and reship to the shipper.

E.B. Restrictions:

1. No pest Class A, B, or C Noxious Weed, or commodity infested or contaminated with a pest Class A, B, or C Noxious Weed, shall be admitted into the state unless otherwise authorized by the Associate Director issues a permit for the transporting or propagating of the pest.
2. The Department shall regulate the movement of the commodity out of a quarantined area within the state until the pest is eradicated. Any shipment or lot of a commodity infested or contaminated with a pest arriving in the state in violation of this quarantine shall, according to A.R.S. § 3-205(A), be immediately reshipped from the state, or treated or destroyed using one of the following methods:
 - a. The commodity shall be fumigated with 1,500 mg/L of ethylene oxide for four hours in a chamber pre-heated to 115-125° F;
 - b. Incinerating;
 - c. Burying in a sanitary landfill to a depth of six feet;
 - d. Application of a herbicide; or
 - e. Any other treatment approved by the Director.
2. The Department may quarantine and abate an area infested or contaminated with a Class A or Class B Noxious Weed if it has been determined by the Associate Director that an imminent threat to agriculture or horticulture exists.

Table 4. Class A Noxious Weeds

<u>Common name</u>	<u>Scientific name</u>
<u>African rue</u>	<u><i>Peganum harmala</i></u>
<u>Canada thistle</u>	<u><i>Cirsium arvense</i></u>
<u>Dudaim melon</u>	<u><i>Cucumis melo v. Dudaim Naudin</i></u>
<u>Dyer's woad</u>	<u><i>Isatis tinctoria</i></u>
<u>Floating water hyacinth</u>	<u><i>Eichhornia crassipes</i></u>
<u>Giant salvinia</u>	<u><i>Salvinia molesta</i></u>
<u>Globe-podded hoary cress</u>	<u><i>Cardaria draba</i></u>
<u>Hydrilla</u>	<u><i>Hydrilla verticillata</i></u>
<u>Leafy spurge</u>	<u><i>Euphorbia esula</i></u>
<u>Plumeless thistle</u>	<u><i>Carduus acanthoides</i></u>
<u>Purple loosestrife</u>	<u><i>Lythrum salicaria</i></u>
<u>Purple starthistle</u>	<u><i>Centaurea calcitrapa</i></u>
<u>Quackgrass</u>	<u><i>Elymus repens (Elytrigia repens)</i></u>
<u>Rush skeletonweed</u>	<u><i>Chondrilla juncea</i></u>
<u>Southern sandbur</u>	<u><i>Cenchrus echinatus</i></u>
<u>Spotted knapweed</u>	<u><i>Centaurea stoebe ssp. micranthos</i></u>



Sweet resinbush	<i>Euryops subcarnosus</i>
Ward's weed	<i>Carrichtera annua</i>
Wild mustard	<i>Sinapis arvensis</i>

Table 5. Class B noxious weeds

Common name	Scientific name
Black mustard	<i>Brassica nigra</i>
Branched broomrape	<i>Orobanche ramosa</i>
Bull thistle	<i>Cirsium vulgare</i>
Camelthorn	<i>Alhagi maurorum (A. pseudalhagi)</i>
Dalmatian toadflax	<i>Linaria dalmatica (L. genistifolia v. dalmatica)</i>
Diffuse knapweed	<i>Centaurea diffusa</i>
Field sandbur	<i>Cenchrus spinifex (synonym: C. incertus)</i>
Giant reed	<i>Arundo donax</i>
Halogeton	<i>Halogeton glomeratus</i>
Jointed goatgrass	<i>Aegilops cylindrica</i>
Malta starthistle	<i>Centaurea melitensis</i>
Musk thistle	<i>Carduus nutans</i>
Natal grass	<i>Melinis repens</i>
Onionweed	<i>Asphodelus fistulosus</i>
Russian knapweed	<i>Acroptilon repens</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Saharan mustard	<i>Brassica tournefortii</i>
Stinknet (Globe chamomile)	<i>Oncosiphon piluliferum</i>
Scotch thistle	<i>Onopordum acanthium</i>
Yellow bluestem	<i>Bothriochloa ischaemum</i>
Yellow starthistle	<i>Centaurea solstitialis</i>

Table 6. Class C noxious weeds

Common name	Scientific name
Buffelgrass	<i>Cenchrus ciliaris (Pennisetum ciliare)</i>
Field bindweed	<i>Convolvulus arvensis</i>
Fountain grass	<i>Pennisetum setaceum</i>
Garden or common morning glory	<i>Ipomoea purpurea</i>
Grannyvine	<i>Ipomoea tricolor</i>
Ivy-leaf morning glory	<i>Ipomoea hederacea</i>
Johnsongrass	<i>Sorghum halepense</i>
Kochia	<i>Kochia scoparia</i>
Morning glory	<i>Ipomoea triloba</i>
Morning glory	<i>Ipomoea x leucantha</i>
Puncturevine	<i>Tribulus terrestris</i>
Salt cedar	<i>Tamarix ramosissima</i>
Tree of heaven	<i>Ailanthus altissima</i>

R3-4-246. Caribbean Fruit Fly Repealed

A: Definitions. The following term applies to this Section:

“Pest” means all life stages of the Caribbean fruit fly, *Anastrepha suspensa*.

B: Area under quarantine.

1. In the state of Florida, the following counties: Alachua, Brevard, Broward, Charlotte, Citrus, Collier, DeSoto, Duval, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Miami Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia.
2. The Commonwealth of Puerto Rico.

**G. Regulated commodities:**

1. The fresh fruit of the following plants:
 - Actinidia chinensis* (Kiwi);
 - Annona glabra* (Pond Apple);
 - Annona hybrid*;
 - Annona squamosa* (Sugar Apple);
 - Atalantia citriodes*;
 - Averrhoa carambola* (Carambola);
 - Blighia sapida* (Akee);
 - Canella winteriana* (Wild Cinnamon);
 - Capsicum frutescens* (Bell Pepper);
 - Carica papaya* (Papaya);
 - Carissa grandiflora* (Natal Plum);
 - Casimiroa edulis* (White Sapote);
 - Chrysobalanus icaco* (Cocoplum);
 - Citrus aurantiifolia* (Lime);
 - Citrus aurantium* (Sour Orange);
 - Citrus limonia* (Rangpur Lime);
 - Citrus nobilis* "unshu" x *Fortunella* sp. (Jack Orangequat);
 - Citrus paradisi* (Grapefruit);
 - Citrus paradisi* x *C. reticulata* (Tangelo);
 - Citrus reticulata* (Tangerine);
 - Citrus sinensis* (Sweet Orange);
 - Citrus sinensis* x *C. reticulata* (Temple Orange);
 - Clausena lansium* (Wampi);
 - Dimocarpus longan* (Longan);
 - Diospyros blancoi* (Velvet Apple or Velvet Persimmon);
 - Diospyros khaki* (Japanese Persimmon);
 - Diospyros caudata* (Kei Apple);
 - Diospyros hebecarpa* (Ceylon Gooseberry);
 - Drypetes lateriflora* (Guiana Plum);
 - Eriobotrya japonica* (Loquat);
 - Eugenia aggregata* (Cherry of the Rio Grande);
 - Eugenia brasiliensis* (Grumichama);
 - Eugenia coronata*;
 - Eugenia ligustrina*;
 - Eugenia luschnathiana* (Pitomba);
 - Eugenia uniflora* (Surinam Cherry);
 - Ficus altissima*;
 - Ficus carica* (Fig);
 - Flacourtia indica* (Governor's Plum);
 - Fortunella* spp. (Kumquat);
 - Garcinia livingstonei* (Imbe);
 - Garcinia xanthochoyus*;
 - Litchi chinensis* (Lychee);
 - Lycopersicon esculentum* (Tomato);
 - Malpighia glabra* (Barbados Cherry);
 - Malus sylvestris* (Apple);
 - Mangifera indica* (Mango);
 - Manilkara jaimiqui* spp. *Emarginata* (Wild Dilly);
 - Manilkara roxburghiana*;
 - Manilkara zapota* (Sapodilla);
 - Momordica charantia* (Wild Balsam Apple);
 - Muntingia calabura* (Calbur);
 - Murraya paniculata* (Orange Jasmine);
 - Myrciaria cauliflora* (Jaboticaba);
 - Myrcianthus fragrans*;
 - Myrciaria glomerata*;
 - Persea americana* (Avocado);
 - Pimenta dioica* (Allspice);
 - Pouteria campechiana* (Egg Fruit);
 - Prunus persica* (Nectarine);
 - Prunus persica* (Peach);
 - Pseudanemone umbellifera*;
 - Psidium* spp. (Guava);
 - Punica granatum* (Pomegranate);



- Pyrus cummunis* (Pear);
- Pyrus pyrifolia* (Japanese Pear);
- Pyrus pyrifolia* x *Pyrus communis* (Kieffer Pear);
- Rheedia aristata*;
- Rubus hybrid* (Blackberry);
- Severinia buxifolia* (Box Orange);
- Spondias cytherea* (Otaheite Apple);
- Synsepalum dulcificum* (Miracle Fruit);
- Syzygium cumini* (Jambolan Plum);
- Syzygium jambos* (Rose Apple);
- Syzygium samarangense* (Java Apple);
- Terminalia catappa* (Tropical Almond);
- Terminalia muelleri*;
- Trevisia palmata*;
- Triphasia trifolia* (Limeberry);
- X *Citrofortunella floridana* (Limequat), and
- X *Citrofortunella mitis* (Calamondin).

2. Soil or planting media within the drip area of plants producing, or that have produced, a regulated commodity.

D. Restrictions. A regulated commodity produced in or shipped from an area under quarantine is prohibited entry into Arizona unless each lot or shipment is accompanied by a certificate issued by an official of the state of origin, affirming compliance with one of the following:

1. Citrus fruit (*Citrus* spp. and *Fortunella* spp.) has been fumigated with methyl bromide ("Q" label only) for a minimum of two hours under the following conditions:

Pulp Temperature	Rate per 1000 cu. ft.
No less than 60° F to 79° F	3 pounds
80° F or above	2 1/2 pounds

2. Non citrus fruit has been treated in compliance with a treatment plan approved by the Director.

E. Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out of state by the owner and at the owner's expense.

R3-4-248. Japanese beetle

A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-201, the following apply to this Section:

- 1. "Host commodities" means the commodities listed in the JBHP, Appendix 5 Appendix 6.
- 2. "JBHP" means the U.S. Domestic Japanese Beetle Harmonization Plan, adopted by the National Plant Board on August 19, 1998, and revised ~~September 5, 2000~~ June 20, 2016.
- 3. "Pest" means the Japanese beetle, *Popillia japonica* ~~(Newman)~~, notwithstanding the definition in A.R.S. § 3-201.

B. Area under quarantine: All Category 2 and 3 areas listed in the JBHP, which is incorporated by reference, does not include any later amendments or editions, and is on file with the Department, the Office of the Secretary of State, and the National Plant Board at www.aphis.usda.gov/npb <http://nationalplantboard.org/japanese-beetle-harmonization-plan/>. ~~The incorporated material includes the following changes:~~

- 1. ~~Appendix 1, delete the words "(except sod)."~~
- 2. ~~Appendix 5, definition of host commodities, delete the words "grass sod."~~

C. Host commodities covered. All commodities, except grass sod, listed in the JBHP, Appendix 12.

D. An out-of-state grower who imports a host commodity into Arizona shall comply with the JBHP, except as provided under subsection (E).

E. Restrictions on importation.

- 1. An out-of-state grower shall not import into Arizona a host commodity under subsection (C) from an area under quarantine unless the commodity is accompanied by ~~an original~~ a certificate issued by ~~an~~ a plant regulatory official of the origin state ensuring compliance with the requirements of the JBHP, Appendix 1.
- 2. ~~The Notwithstanding the requirements of the JBHP, Appendix 1, the Associate Director may admit grass sod from an out-of-state grower for shipment to Arizona if:~~
 - a. The out-of-state grower requests an exception agreement from the Department;
 - b. The out-of-state grower, the ~~state~~State ~~plant~~Plant ~~regulatory~~Regulatory ~~official~~Official of the origin state, and the Associate Director sign an agreement that includes the following terms:
 - i. The out-of-state grower shall ship sod grown only in a Japanese beetle-free county;
 - ii. The ~~origin state's~~State ~~plant~~Plant ~~regulatory~~Regulatory ~~official~~Official ~~or designee~~ shall place and monitor Japanese beetle traps on the grass sod farm during the agreement period. At least one trap shall be placed on each 10 acres of land. A buffer zone of a one-mile radius shall be established around the grass sod farm, and two traps per square mile shall be placed in the buffer zone. The Department shall revoke the agreement if the origin state documents that one or more Japanese beetles are detected in any trap;
 - iii. The ~~origin state's~~State ~~plant~~Plant ~~regulatory~~Regulatory ~~official~~Official ~~or designee~~ shall inspect sod before shipment to ensure it is free of the pest; and



- iv. ~~The out of state grower shall ship sod to Arizona only through the ports of entry on I-10 or I-40. The out of state grower shall notify the Associate Director or their designee of sod shipments destined to Arizona prior to shipment.~~
- c. Both the out-of-state grower and the ~~origin state's~~ State plant regulatory official shall perform any other requirement established by the Associate Director to ensure the grass sod is free from all life stages of Japanese beetle.
- 3. An out-of-state grower shall not import into Arizona a host commodity from a Category 4 state unless certified by the State Plant Regulatory Official or designee attesting that the host commodity is apparently free of Japanese beetle and has been treated by an approved method to eliminate all live life stages of the pest.
- 3.4. Exemptions from importation ban:
 - a. Privately-owned houseplants grown indoors; and
 - b. ~~Commodities that are treated by the grower for Japanese beetle may be imported into Arizona if the Associate Director approves the treatment method before shipment.~~ Commodities that have been treated by an alternate method approved by the Associate Director and certified by a plant regulatory official of the state of origin.

ARTICLE 5. COLORED COTTON

R3-4-501. Colored Cotton Production and Processing

- A. Definitions. In addition to the definitions provided in A.R.S. § 3-101 and ~~R3-4-102~~ A.A.C. R3-4-101 and R3-4-201, the following terms apply to this Section:
 - 1. "Certified" means having been inspected with a written certificate of inspection issued by an inspector of the Department.
 - 2. "Colored cotton" means any variety of cotton plants of the Genus *Gossypium* that produces fiber that is naturally any color other than white.
 - 3. "Cottonseed" means processed seed cotton used for propagation, animal feed, crushed or composted fertilizer, or oil.
 - 4. "Composting" means a process that creates conditions that facilitate the controlled decomposition of organic matter into a more stable and easily handled soil amendment or fertilizer, usually by piling, aerating and moistening; or the product of such a process.
 - 5. "Delinting" means the process of using acid, flame, or mechanical means to remove fiber that remains on cottonseed after ginning.
 - 6. "Planting seed" means seed of a known variety produced for planting subsequent generations.
 - 7. "Seed cotton" means raw cotton containing seed and lint that has been harvested from a field, but has not been ginned.
 - 8. "White cotton" means any variety of the Genus *Gossypium* that produces white fiber as established in ~~28 U.S.C. 401 through 451, the Official Cotton Standards of the United States for the Color Grade of American Upland Cotton, revised July 1, 1993; and Cotton Classification Results, revised July 1994~~ 7 C.F.R. §§ 28.401 through 28.407; and the U.S. Department of Agriculture, Agriculture Marketing Service: Cotton Classification, revised April, 2005. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- B. Production requirements.
 - 1. A producer who intends to grow colored cotton shall register in writing with the Department. The registration form shall be received at least 30 days before the cotton planting date for the applicable cultural cotton zone established in ~~R3-4-204~~ R3-4-204(E). Any colored cotton not registered with the Department shall be abated as established in A.R.S. §§ 3-204 and 3-205, and the producer may be assessed a civil penalty as established in ~~A.R.S. § 205.02~~ A.R.S. § 3-205.02. The registration shall include:
 - a. The name, address, telephone number, and signature of the producer;
 - b. The name, address, telephone number, and signature of the property owner;
 - c. The name, address, and telephone number of the organization or company contracting for the production of colored cotton or to whom the colored cotton will be sold, if known;
 - d. The total number of acres to be planted;
 - e. The geographical location of the proposed fields by county, section, township and range; and
 - f. The name of the property owners, if known, adjacent to the field where colored cotton will be grown.
 - 2. Separation of white and colored cotton.
 - a. A colored cotton producer shall ensure that all colored cotton is planted no less than 500 feet from any white cotton field.
 - b. All producers of white cotton saved for planting seed shall comply with the Field Standards in the Arizona Crop Improvement Association's Cotton Seed Certification Standards, revised July 1995. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
 - 3. A producer shall not plant white cotton on land on which colored cotton has been grown until one or more irrigated non-cotton crops have been produced on that land. If the non-cotton crop is not grown during a traditional cotton growing season, as established by ~~R3-4-204(E)~~ R3-4-204(E), the field shall be irrigated before planting a white cotton crop.
 - 4. The Department shall notify all cotton producers of the colored cotton plant-back restrictions and of the availability of location and acreage records of colored cotton crops.
 - 5. The Department shall notify the Arizona Crop Improvement Association of the colored cotton geographical locations at least 25 days before the cotton planting date for each cultural cotton zone established in ~~R3-4-204~~ R3-4-204(E).
- C. Cotton appliances.
 - 1. No cotton producer, contractor, or ginner shall use a cotton appliance or gin to produce, transport, or handle white cotton after the gin or appliance has been used in the production, transportation, or handling of colored cotton until the Department inspects the cotton appliance or gin and finds it free of colored cottonseed, seed cotton, fiber, and gin trash. A cotton producer, contractor, or ginner shall notify the Department at least 48 hours, excluding Sundays and legal holidays, before an inspection is needed.
 - 2. Colored seed cotton, cottonseed, fiber, and gin trash cleaned from cotton equipment, shall be composted or disposed of by the producer or ginner:



- a. On land where gin trash has previously been disposed and the land is managed as specified in subsection (B)(3); or
- b. In a landfill approved by the Department.
3. The Department shall legibly mark cotton appliances designated for exclusive use on colored cotton crops.
- D. Transportation. Except in gin yards, colored cottonseed or colored seed cotton transported over public roads shall be totally enclosed or covered.
- E. Gin requirements.
 1. A gin owner or manager planning to process colored cotton shall notify the Department, in writing, no less than 30 days before processing the colored cotton.
 2. The Department shall notify the Arizona Crop Improvement Association of a gin owner's or manager's intention to process colored cotton within 10 days from the receipt of the notification from the gin.
 3. A gin owner or manager processing colored cotton shall not process white cotton until the gin has been cleaned, and inspected by the Department. The gin shall be free of cottonseed, seed cotton, and loose lint as established in subsection (C)(1).
 4. If a gin processes colored seed cotton and white seed cotton during the same season, and the white cottonseed is not retained by the plant breeder for research purposes, the producer shall market the white cottonseed as:
 - a. Animal feed,
 - b. Crushed or composted fertilizer, or
 - c. Oil.
 5. The ginner shall legibly mark colored seed cotton kept in the gin yard or gin buildings and shall:
 - a. Isolate the seed cotton at least 500 feet from white seed cotton, or
 - b. Enclose it with two foot high chicken wire or chain link fencing.
 6. Gin trash not disposed as established in subsection (C)(2) shall be shipped out-of-state, subject to the requirements of the receiving state and ~~7 CFR 301.52 et seq., amended August 30, 1994~~ 7 CFR §§ 301.52 et. seq., amended June 7, 2005. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
 7. The ginner shall bale or bag colored cotton fiber and mark the bale or bag as colored cotton.
- F. Seed Requirements.
 1. A producer or contracting organization, set forth in subsection (B)(1), saving colored cottonseed for propagative purposes shall legibly label the colored planting seed container and notify the Department of:
 - a. The quantity,
 - b. The variety or color,
 - c. The location where the colored planting seed is held or stored, and
 - d. Whether any seed will be shipped out-of-state.
 2. If the cotton seed is being delinted in Arizona, the delinting facility shall follow the requirements in Harvesting, Handling and Tagging that are included in the Cotton Seed Certification Standards and have been incorporated by reference in subsection (B)(2)(b).
 3. The producer shall render non-viable non-delinted (fuzzy) colored cottonseed not used for propagative purposes by crushing or composting. Whole or cracked colored cottonseed shall not be used as animal feed in Arizona but may be shipped out-of-state, subject to the requirements of the receiving state and ~~7 CFR 301.52 et seq~~ 7 CFR §§ 301.52 et. seq., amended June 7, 2005.
 4. Cotton producers shall not transport unbagged white cotton planting seed using vehicles or other equipment previously used to transport whole or cracked colored cottonseed until the Department has certified that these vehicles and equipment are free of colored cottonseed.
- G. Advisory committee. ~~The Director shall appoint an advisory committee, under A.R.S. § 3-106, to review colored cotton statutes and rules, inspection procedures, and certification methods. The committee shall be appointed for two year staggered terms and a member may be reappointed for one additional term. The committee shall consist of one representative from each of the following categories:~~
 - ~~1. The Cotton Research and Protection Council;~~
 - ~~2. The Arizona Crop Improvement Association;~~
 - ~~3. The Arizona Department of Agriculture;~~
 - ~~4. The Arizona Cotton Growers Association;~~
 - ~~5. A colored cotton producer;~~
 - ~~6. A ginner ginning colored cotton; and~~
 - ~~7. A contractor for the production of colored cotton.~~ The Director, as necessary, shall appoint an advisory committee composed of the nominated representatives of the Arizona Cotton Growers Association and the Arizona Cotton Research and Protection Council and such other individuals as may be necessary to make recommendations to the Department on amendments to this Section.

ARTICLE 9. BIOTECHNOLOGY

R3-4-901. Genetically Engineered Organisms and Products

- A. Definitions. In addition to the definitions provided in A.R.S. § 3-101, the following shall apply:
 1. "Associate Director" means the Associate Director of the Plant Services Division of the Arizona Department of Agriculture.
 2. "Genetically engineered" means the genetic modification of organisms by recombinant DNA techniques, including genetic combinations resulting in novel organisms or genetic combinations that would not naturally occur.
 3. "Organisms" means any active, infective, or dormant stage or life form of any entity characterized as living, including vertebrate and invertebrate animals, plants, bacteria, fungi, mycoplasmas, mycoplasma-like organisms, as well as entities such as viroid, viruses, or any entity characterized as living related to the foregoing.
 4. "Permit" means an application which has been approved by USDA and the Department.



5. "Permit application" means an application filed with USDA, which may be supplemented with requirements from the Department, for the introduction of genetically engineered organisms and products, as provided by 7 CFR 340, revised June 16, 1987; ~~pages 22908 through 22915~~. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.
 6. "Product" means plant reproductive parts including pollen, seeds, and fruit, spores, or eggs.
 7. "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA, APHIS, PPQ).
- B.** Permit applications. A genetically engineered organism or product shall not be introduced into Arizona, sold, offered for sale, or distributed for release into Arizona's environment unless a permit issued pursuant to the application has been issued by USDA, or the Department has been notified by the USDA that the genetically engineered organisms or product is eligible under the notification procedure, as prescribed by ~~7 CFR 340.3, revised April 1993~~ 7 CFR § 340.3, revised August 6, 2007, or it has been determined by the USDA to be of nonregulated status, as prescribed by 7 CFR 340.6, revised ~~April 1993~~ May 1997. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.
1. Applicants for the release or use of genetically engineered organisms or products shall follow all permit application procedures required by USDA.
 2. In addition to USDA's requirements, permit applications shall demonstrate to the Department that:
 - a. Genetically engineered organisms or products shall be handled in such a manner so that no genetically engineered organism or product accidentally escapes into Arizona's environment.
 - b. All permit applicants shall comply with Arizona quarantine rules regulating the plants, pests, or organisms being introduced into Arizona.
 3. The Department may, if it deems necessary to protect agriculture, public health, or the environment from potential adverse effects from the introduction of a specific genetically engineered organism or product:
 - a. Place restrictions on the number and location of organisms or products released, method of release, training of persons involved with the release of organisms or products, disposal of organisms or products, and other conditions of use;
 - b. Require measures to limit dispersal of released organisms or spread of inserted genes or gene products;
 - c. Require monitoring of the abundance and dispersal of the released organism or inserted genes or gene products;
 - d. Request the USDA to deny, suspend, modify, or revoke the permit for failure to comply with this rule.
 - e. Request the USDA to suspend the permit if it is determined that an adverse effect is occurring or is likely to occur because of a release authorized by such permit.
 4. To the extent possible, the Department shall accept for review and base its decision on the data submitted with the federal application. However, the Department may request additional information from the applicant to assess the risks to animals and plants, including risks of vector transmissions of genetically engineered organisms or products.
 5. The Associate Director shall review the application recommendations with the Director who shall, within the time period prescribed on each USDA application, approve, conditionally approve, or deny the permit.
 6. The Director shall return the completed application with the resolution to USDA for final action.



7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study for this rulemaking.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

This final expedited rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

9. A summary of the economic, small business, and consumer impact:

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

No substantive change was made to the rules between the proposed rulemaking and the final rulemaking. A minor technical change to underline the word "license" was made in R9-10-1203(C)(6)(e).

11. An agency's summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:

The Department received one written comment. A commenter requested that licensed practice nurses (LPNs) be included in R9-10-1203(C)(6)(e) that requires "Respiratory care services [be] are provided by a respiratory therapist, respiratory therapy technician licensed according to A.R.S. Title 32, Chapter 35, or registered nurse." Commenter reasoned that LPNs should be added since respiratory and ventilator care by LPN's is within the AZ State Board of Nursing scope of services. The Department agreed and amended the requirement in R9-10-1203(C)(6)(e) to allow LPNs to provide respiratory care services.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute applicable specifically to the Department or this specific expedited rulemaking.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

A home health agency is licensed as a health care institution. A health care institution is specific to the licensee, class or subclass of health care institutions, facility location, and scope of services provided. A general permit is not applicable and is not used.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There are no federal rules applicable to the subject of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:

No business competitiveness analysis was received by the Department.

13. Incorporations by reference and their location in the rules:

Not applicable

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made as an emergency rule.

15. The full text of the rule follows:

**TITLE 9. HEALTH SERVICES
CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING**

ARTICLE 12. HOME HEALTH AGENCIES

- Sections
- R9-10-1203. Administration
- R9-10-1206. Personnel

ARTICLE 12. HOME HEALTH AGENCIES

R9-10-1203. Administration

- A. A governing authority shall:
 - 1. Consist of one or more individuals responsible for the organization, operation, and administration of the home health agency;
 - 2. Establish, in writing:
 - a. A home health agency's scope of services, and
 - b. Qualifications for an administrator;
 - 3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);



4. Adopt a quality management program according to R9-10-1204;
 5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
 6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
 - a. Expected not to be present in a home health agency's administrative office for more than 30 calendar days, or
 - b. Not present in a home health agency's administrative office for more than 30 calendar days;
 7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator;
 8. Appoint, according to A.R.S. § 36-151(5)(b), an advisory group that consists of four or more members that include:
 - a. A physician;
 - b. A registered nurse who has at least one year of experience as a registered nurse providing home health services; and
 - c. Two or more individuals who represent a medical, nursing, or health-related profession; and
 9. Ensure that the advisory group appointed according to subsection (A)(8):
 - a. Meets at least once every 12 months,
 - b. Documents meetings, and
 - c. Assists in establishing and evaluating policies and procedures for the home health agency.
- B. An administrator:**
1. Is directly accountable to the governing authority of a home health agency for all services provided by the home health agency;
 2. Has the authority and responsibility to manage the home health agency;
 3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present at the home health agency's administrative office and accountable for services provided by the home health agency when the administrator is not present at the home health agency's administrative office; and
 4. Ensures compliance with A.R.S. § 36-411.
- C. An administrator shall:**
1. Ensure that policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
 - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, and volunteers;
 - b. Cover orientation and in-service education for personnel members, employees, and volunteers;
 - c. Cover how a personnel member may submit a complaint relating to patient care;
 - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
 - e. Include a method to identify a patient to ensure the patient receives the appropriate services;
 - f. Cover patient rights, including assisting a patient who does not speak English or who has a disability to become aware of patient rights;
 - g. Cover specific steps for:
 - i. A patient to file a complaint, and
 - ii. The home health agency to respond to a patient complaint;
 - h. Cover health care directives;
 - i. Cover medical records, including electronic medical records;
 - j. Cover a quality management program, including incident reports and supporting documentation;
 - k. Cover contracted services; and
 - l. Cover and designate which personnel members or employees are required to have current certification in cardiopulmonary resuscitation and first aid training;
 2. Ensure that policies and procedures for services provided by a home health agency are established, documented, and implemented to protect the health and safety of a patient that:
 - a. Cover patient admission, discharge planning, and discharge;
 - b. Cover the provision of home health services and, if applicable, specific types of supportive services and medical social services;
 - c. Include when general consent and informed consent are required;
 - d. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
 - e. Cover medication procurement, if applicable, and administration; and
 - f. Cover infection control;
 3. Ensure that policies and procedures are:
 - a. Available to personnel members, employees, and volunteers, and
 - b. Reviewed at least once every three years and updated as needed;
 4. Ensure that records of advisory group meetings are maintained for at least 24 months after the date of the meeting;
 5. Designate, in writing, a home health services director who is:
 - a. A physician with at least 24 months of experience working for or with a home health agency; or
 - b. A registered nurse with at least three years of nursing experience, including at least 24 months of experience as a registered nurse providing home health services;
 6. Ensure that:
 - a. Speech therapy or speech-language pathology services are provided by a speech-language pathologist according to A.R.S. § 36-1940.01 or speech-language pathologist assistant licensed according to A.R.S. § 36-1940.04;
 - b. Nutritional services are provided by a registered dietitian;
 - c. Occupational therapy services are provided by an occupational therapist or occupational therapy assistant;



- d. Physical therapy services are provided by a physical therapist or a physical therapist assistant;
- e. Respiratory care services are provided by a respiratory therapist, respiratory therapy technician licensed according to A.R.S. Title 32, Chapter 35, or a practical nurse or registered nurse licensed according to A.R.S. Title 32, Chapter 15;
- f. Pharmacy services are provided by a pharmacist; and
- g. Medical social services are provided:
 - i. By a personnel member qualified according to policies and procedures that coordinates medical social services; and
 - ii. ~~For medical social services that require a license under A.R.S. Title 32, Chapter 33, Article 5, by a personnel member licensed under A.R.S. Title 32, Chapter 33, Article 5;~~For medical social services, related to the practice of social work in A.R.S. § 32-3251, by a personnel member licensed under A.R.S. Title 32, Chapter 33, Article 5;
- 7. Ensure that the services specified in subsection (C)(6) are provided to a patient only under an order by the patient’s physician, registered nurse practitioner, or podiatrist, as applicable; and
- 8. Unless otherwise stated, ensure that:
 - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
 - b. When documentation or information is required by this Chapter to be submitted on behalf of a home health agency, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the home health agency.

R9-10-1206. Personnel

- A. An administrator shall ensure that:
 - 1. The qualifications, skills, and knowledge required for each type of personnel member:
 - a. Are based on:
 - i. The type of services expected to be provided by the personnel member according to the established job description, and
 - ii. The acuity of the patients receiving services from the personnel member according to the established job description; and
 - b. Include:
 - i. The specific skills and knowledge necessary for the personnel member to provide the expected services listed in the established job description,
 - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected services listed in the established job description, and
 - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected services listed in the established job description;
 - 2. A personnel member’s skills and knowledge are verified and documented:
 - a. Before the personnel member provides physical health services, and
 - b. According to policies and procedures;
 - 3. Sufficient personnel members are available with the qualifications, skills, and knowledge necessary to:
 - a. Provide the services in the home health agency’s scope of services,
 - b. Meet the needs of a patient, and
 - c. Ensure the health and safety of a patient; and
 - 4. A personnel member, ~~or~~ an employee, a volunteer, or a student who has or is expected to have direct interaction with a patient, provides evidence of freedom from infectious tuberculosis:
 - a. On or before the date the individual begins providing services at or on behalf of the home health agency, and
 - b. As specified in R9-10-113.
- B. An administrator shall ensure that a personnel record for each personnel member, employee, or volunteer:
 - 1. Includes:
 - a. The individual’s name, date of birth, and contact telephone number;
 - b. The individual’s starting date of employment or volunteer service, and if applicable, ending date; and
 - c. Documentation of:
 - i. The individual’s qualifications, including skills and knowledge applicable to the individual’s job duties;
 - ii. The individual’s education and experience applicable to the individual’s job duties;
 - iii. The individual’s completed orientation and in-service education as required by policies and procedures;
 - iv. The individual’s license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
 - v. The individual’s compliance with the requirements in A.R.S. § 36-411;
 - vi. Cardiopulmonary resuscitation training, if required for the individual according to this Article and policies and procedures;
 - vii. First aid training, if required for the individual according to this Article and policies and procedures; and
 - viii. Evidence of freedom from infectious tuberculosis, if required according to subsection (A)(4);
 - 2. Is maintained:
 - a. Throughout the individual’s period of providing services in or for the home health agency; and
 - b. For at least 24 months after the last date the individual provided services in or for the home health agency; and
 - 3. For a personnel member who has not provided services for the home health agency during the previous 12 months, provided to the Department within 72 hours after the Department’s request.



NOTICES OF PROPOSED EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Exempt Rulemaking. An agency may be exempt from rulemaking standards outlined in the Arizona Administrative Procedures Act (APA).

An agency's exemption is listed in the Preamble of the rulemaking as specified under: A.R.S. §§ 41-1005 or 41-1057; or a specific statute; or if a rule is promulgated by the Corporation Commission, it is exempt from Attorney General review under a court decision as determined by the Commission.

If an agency determines it is exempt under the law or court decision, the law may still require publication of the Proposed Exempt Rulemaking in this section to solicit and review public comments on the rulemaking.

Some agencies, even though completely exempt, may still elect to follow certain provisions of the APA, such as circulating its exempt rulemaking for comment. If an agency chooses this option, our office encourages filing the notice with our office for publication in the *Register*.

Please note, if a statute dictates that an agency is completely exempt from the rulemaking process, the agency is authorized to file a Notice of Exempt Rulemaking.

In all cases, an agency must still follow the procedures as established by our office in order to have its rulemaking package published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed exempt rule should be directed to the agency proposing them. Refer to Item #5 of the Preamble to contact the person charged with the rulemaking.

**NOTICE OF PROPOSED EXEMPT RULEMAKING
TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 6. DEPARTMENT OF INSURANCE**

[R19-244]

PREAMBLE

- | | |
|--|---------------------------------|
| <u>1. Article, Part or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R20-6-310 | New Section |
| R20-6-310.01 | New Section |
| R20-6-310.02 | New Section |
| R20-6-310.03 | New Section |
| R20-6-310.04 | New Section |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 20-143
 Implementing statute: A.R.S. § 20-492.02
 Statute or session law authorizing the exemption: Laws 2019, 1st Reg. Sess., Ch. 180, § 2.
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 3402, November 22, 2019 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Mary E. Kosinski
 Address: Arizona Department of Insurance
 100 N. 15th Ave., Suite 102
 Phoenix, AZ 85007-2624
 Telephone: (602) 364-3100
 E-mail: mkosinski@azinsurance.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
 In 2019, the Legislature adopted the NAIC Corporate Governance Annual Disclosure Model Act at Arizona Revised Statutes ("ARS") by enacting the Corporate Governance Act at Title 20, Chapter 2, Article 16 (Laws 2019, 1st Reg. Sess., Ch. 180, § 1). The Department of Insurance ("Department") seeks to adopt the correlate Corporate Governance Annual Disclosure Model Regulation. A.R.S. § 20-492.02 allows the Department to adopt rules to carry out the Act upon notice and an opportunity to be heard. The Legislature has exempted the Department from Title 41, Chapter 6 for one year after the effective date of the Act. (Laws 2019, 1st Reg. Sess., Ch. 180, § 2.)
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
 None



- 7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. **The preliminary summary of the economic, small business, and consumer impact:**
Not applicable
- 9. **The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**
Not applicable
- 10. **The time, place, and nature of the proceedings to make, amend, repeal or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**
No proceeding is scheduled. Persons may request an oral proceeding on the proposed rule by contacting:
Name: Mary E. Kosinski
Address: Arizona Department of Insurance
100 N. 15th Ave., Suite 102
Phoenix, AZ 85007-2624
Telephone: (602) 364-3100
E-mail: mkosinski@azinsurance.gov
Comments may be posted for the next 10 days at: public_comments@azinsurance.gov
- 11. **All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
Not applicable
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rule does not require a permit.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
No federal law is applicable to the subject of the rule.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 12. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
R20-6-310.02(E) references the National Association of Insurance Commissioner's (NAIC) Financial Analysis Handbook 2018 Annual/2019 Quarterly, pp. 771 through 774, (and no future editions).
- 13. **The full text of the rules follows:**

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS AND INSURANCE
CHAPTER 6. DEPARTMENT OF INSURANCE**

ARTICLE 3. FINANCIAL PROVISIONS AND PROCEDURES

- Section
- R20-6-310. Corporate Governance
- R20-6-310.01. Definitions
- R20-6-310.02. Filing Procedures
- R20-6-310.03. Contents of CGAD
- R20-6-310.04. Severability Clause

ARTICLE 3. FINANCIAL PROVISIONS AND PROCEDURES

R20-6-310. Corporate Governance

The purpose of sections R20-6-310.01 through R20-6-310.03 is to set forth procedures for filing and the required contents of the Corporate Governance Annual Disclosure (CGAD) deemed necessary by the Director to carry out the provisions of Title 20, Chapter 2, Article 16 on Corporate Governance.

R20-6-310.01. Definitions

The definitions in A.R.S. § 20-492 and this Section apply to Sections R20-6-310.02 through R20-6-310.04.

“CGAD” means Corporate Governance Annual Disclosure.

“NAIC” means National Association of Insurance Commissioners.

“Senior Management” means any corporate officer responsible for reporting information to the board of directors at regular intervals or providing this information to shareholders or regulators and shall include, for example and without limitation, the Chief Executive



Officer (“CEO”), Chief Financial Officer (“CFO”), Chief Operations Officer (“COO”), Chief Procurement Officer (“CPO”), Chief Legal Officer (“CLO”), Chief Information Officer (“CIO”), Chief Technology Officer (“CTO”), Chief Revenue Officer (“CRO”), Chief Visionary Officer (“CVO”), or any other “C” level executive.

R20-6-310.02. Filing Procedures

- A.** Deadline to file. An insurer, or the insurance group of which the insurer is a member, required to file a CGAD by Title 20, Chapter 2, Article 16 shall, no later than June 1 of each calendar year, submit to the Director a CGAD that contains the information described in Section R20-6-310.03.
- B.** Attestation. The CGAD must include a signature of the insurer’s or insurance group’s CEO or corporate secretary attesting to the best of that person’s belief and knowledge that the insurer or insurance group has implemented the corporate governance practices and that the copy of the CGAD has been provided to the insurer’s or insurance group’s Board of Directors or appropriate committee of the Board of Directors.
- C.** Format of the CGAD. The insurer or insurance group shall have discretion regarding the appropriate format for providing the information required and is permitted to customize the CGAD to provide the most relevant information necessary to permit the Director to gain an understanding of the corporate governance structure, policies and practices utilized by the insurer or insurance group.
- D.** Insurer or insurance group to determine level of reporting.
 - 1.** For purposes of completing the CGAD, the insurer or insurance group may choose to provide information on governance activities that occur at the ultimate controlling parent level, an intermediate holding company level and/or the individual legal entity level, depending on how the insurer or insurance group has structured its system of corporate governance.
 - 2.** The insurer or insurance group is encouraged to make the CGAD disclosures at:
 - a.** The level at which the insurer’s or insurance group’s risk appetite is determined;
 - b.** The level at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised; or
 - c.** The level at which legal liability for failure of general corporate governance duties would be placed.
 - 3.** If the insurer or insurance group determines the level of reporting based on the criteria in subsection (D)(2), it shall indicate which of the three criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.
- E.** CGAD completed at the insurance group level. Notwithstanding Subsection A and as outlined in A.R.S. § 20-492.01, if the CGAD is completed at the insurance group level, then it must be filed with the lead state of the group as determined by the procedures outlined in the NAIC’s Financial Analysis Handbook 2018 Annual/2019 Quarterly, pp. 771 through 774, and no future editions. In these instances, a copy of the CGAD must also be provided, upon request, to the chief regulatory official of any state in which the insurance group has a domestic insurer.
- F.** Reference to other existing documents. An insurer or insurance group may comply with this Section by referencing other existing documents (e.g., ORSA Summary Report, Holding Company Form B or F Filings, Securities and Exchange Commission (SEC) Proxy Statements, foreign regulatory reporting requirements, etc.) if the documents provide information that is comparable to the information described in R20-6-310.03. The insurer or insurance group shall clearly reference the location of the relevant information within the CGAD and attach the referenced document if it is not already filed or available to the Director.
- G.** Subsequent filings of the CGAD. Each year following the initial filing of the CGAD, the insurer or insurance group shall file an amended version of the previously filed CGAD indicating where changes have been made to the previously filed CGAD. The filing shall also state if no changes are made to the information or activities previously reported by the insurer or insurance group.

R20-6-310.03. Contents of CGAD

- A.** Inclusion of attachments. The insurer or insurance group shall be as descriptive as possible in completing the CGAD, with inclusion of attachments or example documents that are used in the governance process, since these may provide a means to demonstrate the strengths of their governance framework and practices.
- B.** Board. The CGAD shall describe the insurer’s or insurance group’s corporate governance framework and structure including consideration of the following:
 - 1.** The Board and its various committees ultimately responsible for overseeing the insurer or insurance group and the level(s) at which that oversight occurs (e.g., ultimate control level, intermediate holding company, legal entity, etc.). The insurer or insurance group shall describe and discuss the rationale for the current Board size and structure; and
 - 2.** The duties of the Board and each of its significant committees and how they are governed (e.g., bylaws, charters, informal mandates, etc.), as well as how the Board’s leadership is structured, including a discussion of the roles of the Chief Executive Officer (CEO) and Chairman of the Board within the organization.
- C.** Senior Governing Entity. The insurer or insurance group shall describe the policies and practices of the most senior governing entity and its significant committees, including a discussion of the following factors:
 - 1.** How the qualifications, expertise and experience of each Board member meet the needs of the insurer or insurance group.
 - 2.** How an appropriate amount of independence is maintained on the Board and its significant committees.
 - 3.** The number of meetings held by the Board and its significant committees over the past year as well as information on director attendance.
 - 4.** How the insurer or insurance group identifies, nominates and elects members of the Board and its committees. The discussion should include, for example:
 - a.** Whether a nomination committee is in place to identify and select individuals for consideration.
 - b.** Whether term limits are placed on directors.
 - c.** How the election and re-election processes function.
 - d.** Whether a Board diversity policy is in place and if so, how it functions.
 - 5.** The processes in place for the Board to evaluate its performance and the performance of its committees, as well as any recent measures taken to improve performance (including any Board or committee training programs that have been put in place).



- D. Senior Management.** The insurer or insurance group shall describe the policies and practices for directing Senior Management, including a description of the following factors:
 - 1. Any processes or practices (i.e., suitability standards) to determine whether officers and key persons in control functions have the appropriate background, experience and integrity to fulfill their prospective roles, including:
 - a. Identification of the specific positions for which suitability standards have been developed and a description of the standards employed.
 - b. Any changes in an officer's or key person's suitability as outlined by the insurer's or insurance group's standards and procedures to monitor and evaluate such changes.
 - 2. The insurer's or insurance group's code of business conduct and ethics, the discussion of which considers, for example:
 - a. Compliance with laws, rules, and regulations; and
 - b. Proactive reporting of any illegal or unethical behavior.
 - 3. The insurer's or insurance group's processes for performance evaluation, compensation and corrective action to ensure effective senior management throughout the organization, including a description of the general objectives of significant compensation programs and what the programs are designed to reward. The description shall include sufficient detail to allow the Director to understand how the organization ensures that compensation programs do not encourage and/or reward excessive risk-taking. Elements to be discussed may include, for example:
 - a. The Board's role in overseeing management compensation programs and practices;
 - b. The various elements of compensation awarded in the insurer's or insurance group's compensation programs and how the insurer or insurance group determines and calculates the amount of each element of compensation paid;
 - c. How compensation programs are related to both company and individual performance over time;
 - d. Whether compensation programs include risk adjustments and how those adjustments are incorporated into the programs for employees at different levels;
 - e. Any clawback provisions built into the programs to recover awards or payments if the performance measures upon which they are based are restated or otherwise adjusted;
 - f. Any other factors relevant to understanding how the insurer or insurance group monitors its compensation policies to determine whether its risk management objectives are met by incentivizing its employees.
 - 4. The insurer's or insurance group's plans for CEO and Senior Management succession.
- E. Oversight.** The insurer or insurance group shall describe the processes by which the Board, its committees and Senior Management ensure an appropriate amount of oversight to the critical risk areas impacting the insurer's business activities, including a discussion of:
 - 1. How oversight and management responsibilities are delegated between the Board, its committees and Senior Management;
 - 2. How the Board is kept informed of the insurer's strategic plans, the associated risks, and steps the Senior Management is taking to monitor and manage those risks;
 - 3. How reporting responsibilities are organized for each critical risk area. The description should allow the Director to understand the frequency at which information on each critical risk area is reported to and reviewed by Senior Management and the Board. This description may include, for example, the following critical risk areas of the insurer:
 - a. Risk management processes (an ORSA Summary Report filer may refer to its ORSA Summary Report submitted pursuant to A.R.S. § 20-491.03);
 - b. Actuarial function;
 - c. Investment decision-making processes;
 - d. Reinsurance decision-making processes;
 - e. Business strategy/finance decision-making processes;
 - f. Compliance function;
 - g. Financial reporting/internal auditing; and
 - h. Market conduct decision-making processes.

R20-6-310.04. Severability Clause

If any provision of this Section, or the application thereof to any person or circumstance, is held invalid, such determination shall not affect other provisions or applications of this Section which can be given effect without the invalid provision or application, and to that end the provisions of this Section are severable.



13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

Not applicable

15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section

R7-2-321. State Seal of Arts Proficiency

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

R7-2-321. State Seal of Arts Proficiency

A. School districts and charter schools in this state may choose to participate in the State Seal of Arts Proficiency Program, which recognizes students who have attained a high level of proficiency in the Arts. School districts and charter schools participating in the Program may award the State Seal of Arts Proficiency to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of the Program outlined in subsections (1) and (2). To be eligible, a student shall do both of the following:

1. Complete all qualifying Arts and Career and Technical Education (CTE) courses with GPA of 3.0 or better on a 4.0 scale, or the equivalent.
2. Complete the required activities from each of the following 3 categories:
 - a. Minimum Credit Requirements. The student shall complete one of the following credit pathways of Arts and CTE classes as follows:
 - i. A minimum of 4 credits in one artistic discipline; or
 - ii. 3 credits in one artistic discipline, and 1 qualifying creative industries CTE credit or separate artistic discipline; or
 - iii. 2 credits in one artistic discipline, and 2 credits in a qualifying creative industries CTE credits or separate artistic discipline.
 - b. Arts related extracurricular activities. The student shall complete the required number of hours engaged in arts related extracurricular activity for purposes of demonstrating arts proficiency as follows:
 - i. Students graduating in school year 2019-2020 must complete at least 30 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
 - ii. Students graduating in school year 2020-2021 must complete at least 45 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
 - iii. Students graduating in school year 2021-2022 must complete at least 60 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
 - iv. Students graduating in school year 2022-2023 and beyond must complete at least 80 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
 - c. Student Capstone Project. The student shall complete a Capstone Project, as defined by the Arizona Department of Education, for purposes of demonstrating arts proficiency.

B. By October 1 of each year, the Arizona Department of Education shall make the State Seal of Arts Proficiency available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Arts Proficiency to the student’s diploma upon graduation, and shall note the receipt of the State Seal of Arts Proficiency on the transcript of the student.

C. The Arizona Department of Education shall post on its website by July 1 of each year:

1. A list of arts and CTE classes which meet the requirements of R7-2-321(A)(2)(a);
2. A list of extracurricular arts activities which meet the requirements of R7-2-321(A)(2)(b);
3. A list of student capstone examples which meet the requirements of R7-2-321(A)(2)(c).

D. Each school district and charter school that chooses to participate in the Program shall meet the following requirements:

1. Notify the Arizona Department of Education of its intent to participate in the Program by September 15th by filling out the form provided on the Arizona Department of Education’s website.
2. Designate at least one individual to serve as coordinator of the Program and provide that individual’s name and contact information to the Arizona Department of Education.
3. Using a format prescribed by the Arizona Department of Education, submit a list of qualifying students who have met graduation and Arts Seal pathway requirements to the Arizona Department of Education by April 15 of each year.
4. Make information available to parents and students regarding the Program and the name and contact information for the coordinator of the Program.

E. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.



NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING**

[R19-240]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 16, Department of Health Services – Occupational Licensing
- Articles and their headings:** 5, Licensing Speech-Language Pathologist Assistants
- Section numbers:** R9-16-501 through R9-16-505 and Table 5.1 (*The Department may add, delete, or modify other Sections, as necessary.*)

2. The subject matter of the proposed rules:
 Arizona Revised Statutes (A.R.S.) Title 36, Chapter 17 contains the statutes for licensing speech-language pathologist assistants (SLPAs) and A.R.S. § 36-1902(B)(5) specifically authorizes the Department to adopt rules for licensing and regulating SLPAs. The Department adopted rules for licensing SLPAs in 9 A.A.C. 16, Article 5. The rules provide the following: definitions, requirements for initial and renewal licensing applications, approval time-frames, continuing education requirements, disciplinary actions, and methods for change affecting licensure and requesting a duplicate license.

The Department, in its 2019 Licensing Speech-Language Pathologist Assistants Five-year-review Report (Report), indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes as addressed in the Report. The Report also indicated that simplifying and streamlining the application and continuing education Sections could improve the rules. The Governor's Regulatory Review Council approved the Report on July 2, 2019, and on October 25, 2019, the Department received an exception from the rulemaking moratorium, established by Executive Order 2019-01, to amend the rules through expedited rulemaking. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

3. A citation to all published notices relating to the proceeding:
 None

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Thomas Salow, Branch Chief
 Address: Department of Health Services
 Division of Licensing Services
 150 N. 18th Ave., Suite 400
 Phoenix, AZ 85007
 Telephone: (602) 364-1935
 Fax: (602) 364-4808
 E-mail: Thomas.Salow@azdhs.gov
 or
 Name: Robert Lane, Chief
 Address: Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-1020
 Fax: (602) 364-1150
 E-mail: Robert.Lane@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceedings have been scheduled at this time.



6. A timetable for agency decisions or other action on the proceeding, if known:

The Department plans to submit the Notice of Final Expedited Rulemaking to the Governor's Regulatory Review Council as specified in the Notice of Proposed Expedited Rulemaking.

**NOTICE OF EXEMPT RULEMAKING DOCKET OPENING
DEPARTMENT OF INSURANCE**

[R19-246]

1. Title and its heading:

20, Commerce, Financial Institutions, and Insurance

Chapter and its heading:

6, Department of Insurance

Article and its heading:

3, Financial Provisions and Procedures

Section numbers:

R20-6-310, R20-6-310.01 through R20-6-310.04

2. The subject matter of the proposed rule:

In 2019, the Legislature adopted the NAIC Corporate Governance Annual Disclosure Model Act at Arizona Revised Statutes ("ARS") by enacting the Corporate Governance Act at Title 20, Chapter 2, Article 16 (Laws 2019, 1st Reg. Sess., Ch. 180, § 1). The Department of Insurance ("Department") seeks to adopt the correlate Corporate Governance Annual Disclosure Model Regulation. ARS § 20-492.02 allows the Department to adopt rules to carry out the Act upon notice and an opportunity to be heard. The Legislature has exempted the Department from Title 41, Chapter 6 for one year after the effective date of the Act. (Laws 2019, 1st Reg. Sess., Ch. 180, § 2.)

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Exempt Rulemaking: 25 A.A.R. 3395, November 22, 2019 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Mary E. Kosinski
Address: Department of Insurance
100 N. 15th Ave., Suite 102
Phoenix, AZ 85007-2624
Telephone: (602) 364-3100
E-mail: mkosinski@azinsurance.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Due to the limited nature of the amendments being proposed, the Department has no plans to hold a hearing on the proposed rulemaking at this time. However, the Department will schedule an oral proceeding on the proposed rule if, within **10 days** after the published notice, a written request for an oral proceeding is submitted to the contact person listed in paragraph 4 of this Notice. The Department will accept written comments for 10 days after the published notice at: public_comments@azinsurance.gov.

6. A timetable for agency decisions or other action on the proceeding, if known:

None known



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The *Administrative Procedure Act* (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(9)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's

internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT DEPARTMENT OF WATER RESOURCES

[M19-103]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Guidelines for Redistribution of Groundwater Pumping in Hydrologic Studies for Assured and Adequate Water Supply Applications (AWS8)
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
October 28, 2019
3. **Summary of the contents of the substantive policy statement:**
Substantive Policy Statement AWS8 provides guidance for the redistribution of groundwater pumping in the hydrologic model demonstrating physical availability submitted with an Assured or Adequate Water Supply application pursuant to A.A.C. R12-15-716(B).
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 45-576
A.A.C. R12-15-716(B)
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
Guidelines for Redistribution of Groundwater Pumping in Hydrologic Studies for Assured and Adequate Water Supply Applications (AWS8) is a new substantive policy statement
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Ayesha Vohra
Address: Department of Water Resources
P.O. Box 36020
Phoenix, AZ 85067-6020
Telephone: (602) 771-8472
E-mail: avohra@azwater.gov
Web site: www.azwater.gov
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this Substantive Policy Statement are available at no cost on the Department's website: www.azwater.gov. Hard copies may be obtained by contacting the person listed above for \$0.25 per page.



GOVERNOR EXECUTIVE ORDER

Executive Order 2019-01 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2019-01

Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities

[M19-04]

WHEREAS, government regulations should be as limited as possible; and

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; and

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order and renewed the moratorium in 2016, 2017 and 2018; and

WHEREAS, the State of Arizona eliminated or repealed 422 needless regulations in 2018 and 676 in 2017 for a total of 1,098 needless regulations eliminated or repealed over two years; and

WHEREAS, estimates show these eliminations saved job creators more than \$31 million in operating costs in 2018 and \$48 million in 2017 for a total of over \$79 million in savings over two years; and

WHEREAS, approximately 283,300 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue to conduct a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay and legal uncertainty associated with government regulation while protecting the health, peace and safety of residents; and

WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor.

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

- 1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-



selves out as licensed professionals for financial gain and are knowingly or recklessly providing or attempting to provide regulated services which the State agency director believes could cause immediate and/or significant harm to either the financial or physical health of unknowing consumers within the state. Agencies shall identify and execute on opportunities to improve its complaint intake process, documentation, tracking, enforcement actions and coordination with proper law enforcement channels to ensure those allegedly trying to defraud unsuspecting consumers and putting them at risk for immediate and/or significant harm to their financial or physical health are stopped and effectively diverted by the State agency to the proper law-enforcement agency for review. A written plan on the agency's process shall be submitted to the Governor's Office no later than May 31, 2019.

4. For the purposes of this Order, the term "State agencies" includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:

Katie Hobbs
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT**

XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section

EXEMPT PROPOSED

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “*emergency expired*” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
September 13, 2019	October 4, 2019	November 4, 2019
September 20, 2019	October 11, 2019	November 12, 2019
September 27, 2019	October 18, 2019	November 18, 2019
October 4, 2019	October 25, 2019	November 25, 2019
October 11, 2019	November 1, 2019	December 2, 2019
October 18, 2019	November 8, 2019	December 9, 2019
October 25, 2019	November 15, 2019	December 16, 2019
November 1, 2019	November 22, 2019	December 23, 2019
November 8, 2019	November 29, 2019	December 30, 2019
November 15, 2019	December 6, 2019	January 6, 2020
November 22, 2019	December 13, 2019	January 13, 2020
November 29, 2019	December 20, 2019	January 21, 2020
December 6, 2019	December 27, 2019	January 27, 2020
December 13, 2019	January 3, 2020	February 3, 2020
December 20, 2019	January 10, 2020	February 10, 2020
December 27, 2019	January 17, 2020	February 17, 2020
January 3, 2020	January 24, 2020	February 24, 2020
January 10, 2020	January 31, 2020	March 2, 2020
January 17, 2020	February 7, 2020	March 9, 2020
January 24, 2020	February 14, 2020	March 16, 2020
January 31, 2020	February 21, 2020	March 23, 2020
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019

[M19-05]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> February 26, 2019	<i>Tuesday</i> March 5, 2019
<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> March 26, 2019	<i>Tuesday</i> April 2, 2019
<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> April 30, 2019	<i>Tuesday</i> May 7, 2019
<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> May 21, 2019	Wednesday May 29, 2019	<i>Tuesday</i> June 4, 2019
<i>Tuesday</i> May 21, 2019	<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> June 25, 2019	<i>Tuesday</i> July 2, 2019
<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> July 30, 2019	<i>Tuesday</i> August 6, 2019
<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> August 27, 2019	Wednesday September 4, 2019
<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> September 24, 2019	<i>Tuesday</i> October 1, 2019
<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> October 29, 2019	<i>Tuesday</i> November 5, 2019
<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> November 26, 2019	<i>Tuesday</i> December 3, 2019
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020

* Materials must be submitted by 5 PM on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.